

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION No. 386/2015.

Shankar Govindrao Landge

-VERSUS-

The Superintendent, Central Prison, Nagpur and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : **B.P.DHARMADHIKARI**
& P.N. DESHMUKH, JJ.

DATE : **JUNE 26, 2015.**

Heard Shri A.S. Band, learned Counsel for the petitioner and Shri T.A. Mirza, learned A.P.P. for respondents.

2. Impugned order dated 24.04.2015 denies furlough to the petitioner as he has reported late.

3. Shri Band, learned counsel for petitioner only to show bonafides and upon instructions, states that if petitioner does not report back on due date on this occasion, he shall not claim the benefits for any leave in future.

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4. Shri Mirza, learned A.P.P. invites attention to the previous conduct and submits that with such an assurance to this Court cannot be substituted.

5. We find that the petitioner has been released on furlough leave in 2010 and he surrendered voluntarily, but, late by 18 days. In 2012 when he was released, he was required to be brought back after 265 days by arresting him. Thereafter he was released on parole leave in 2014 and he surrendered himself, but, late by 56 days. Between 2010 to 2012, in the year 2011 he was given parole leave and he surrendered voluntarily late by 88 days.

6. In this situation, as held by this Court in judgment reported at **2015 (1) BCR (Cri) 64 (Raju @ rajabhau Bhagwantrao Wankhede .vrs. DIG Prisons and another**, mere late surrender by itself does not enable the respondents to invoke Rule 4[4][10] of the Prisons (Bombay Furlough and Parole) Rules, 1959. The reasons for late reporting needed evaluation. The impugned order does not show such evaluation of those reasons. Similarly, the petitioner has shown bonafides by making statement, and accordingly after obtaining such undertaking from him and necessary

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surety and security, respondents shall release him on furlough leave within a period of three weeks from today.

7. In view of above discussion, Writ Petition is partly allowed and disposed of. No costs.

JUDGE

JUDGE

Rgd.