

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

CRIMINAL WRIT PETITION NO. 503 OF 2015.

Ravindra Shantaram Sawant ..vs.. The DIG Prisons (E) and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.Mir Nagman Ali, Adv. for the petitioner.
Mrs.N.Tripati,APP for the respondents.

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

DATED : JULY 17, 2015.

Heard learned counsel for the parties.

Perused the impugned order dated 2/5/2015 and also reply
tendered by respondent no.2. Heard learned APP.

The rejection of furlough leave on the ground of late
surrender appears to be erroneous. Total 11 occasions are pointed out.
On 4 occasions petitioner was released on furlough and on remaining
seven occasions he has been released on parole. On all occasions he
has surrendered voluntarily. At least on three occasions she has
surrendered on due date. One one occasion he surrendered late by 79
days and on another occasion he has surrendered late by 50 days.

Provisions of Rule 4(4)(1) of Prisons (Bombay) Furlough
and Parole Rules, 1959 are considered by this Court in the judgment
reported at **2015(1) BCR (cri) 64 (Raju @ Rajabhau Bhagwantrao**
Wankhede and ors. ..vs.. DIG Prisons (E)(R) and anr.. This court
has held that mere late surrender by itself cannot have the effect of
denial of furlough. It has been held that reasons for late surrender must
find the evaluation in impugned order.

Similarly the surety namely Sau.Jyoti Ravindra Pawar has
submitted an undertaking before this court and shown her readiness

and willingness to stand as surety for petitioner. She has also agreed to furnish necessary cash surety.

In this situation, as we find impugned order not showing necessary application of mind and different surety is being offered, we direct respondents to pass fresh orders in accordance with law within four weeks from today.

With this observation, petition is partly allowed and disposed of.

No costs.

JUDGE

JUDGE

Chute.