

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

CRIMINAL WRIT PETITION NO.722 OF 2015

Parasram Bhagwan Bhone,
Convict No.C – 45,
Open Prison, Nagpur
District Nagpur.

..... **Petitioner.**

:: VERSUS ::

1. The DIG Prison (E) (R),
Nagpur.

2. The Superintendent,
Open Prison Nagpur,
District Nagpur.

..... **Respondents.**

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Mrs. P.P. Choube, counsel for the Petitioner (Appointed).
Shri V.P. Maldhure, Addl.P.P. for the Respondents.

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**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.**

DATED : NOVEMBER 20, 2015.

ORAL JUDGMENT : (Per : V.M. Deshpande, J.)

1. **Rule.** Rule is made returnable forthwith. Heard finally by consent of learned counsel for the rival parties.

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2. The application for Furlough leave was rejected by the respondents giving rise to the cause to the petitioner to approach before this Court.

3. The respondent No.2 - Authority has filed the reply opposing the prayer for Furlough leave. The reason to oppose the writ petition is that in the year 2006 when the petitioner was released on Parole, he did not surrender himself. However, he was required to be arrested by the police authorities. Worth to note that after 2006, on seven occasions, the petitioner was released on Furlough and on every occasion though he had surrendered late, he had surrendered himself and the police machinery was not pressed into service. In that view of the matter, we see no reason to deny the right of the petitioner to enjoy the Furlough leave for which he is entitled. That leads us to pass the following order.

ORDER

i) The criminal writ petition is allowed.

ii) The order impugned in this writ petition is hereby

quashed and set aside.

iii) The authorities below are directed to release the petitioner on Furlough leave after following the due process of procedure.

iv) The petitioner is also expected to surrender himself after expiry of Furlough leave.

v) The fees of learned counsel appointed for the petitioner are quantified at Rs.1,500/-.

Rule is made absolute in aforesaid terms.

JUDGE

JUDGE

!! BRW !!

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