

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

CRIMINAL WRIT PETITION NO.899 OF 2015

Panjab Narayan Kakde

..vs..

The DIG Prison (E) (R), Nagpur anr

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

Court's or Judge's Order

Shri S.B. Khobragade, counsel for the petitioner (appointed).
Shri N.R. Tripathi, Addl.P.P. for the State.

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

DATED : DECEMBER 8, 2015.

Heard Learned counsel for the respective parties.

Furlough has been declined by impugned order dated 21.7.2015 on the ground that when the petitioner was released earlier on 14.1.2011 and thereafter on 12.7.2013, he did not report back and was required to be arrested. He was brought back on 3.8.2011 i.e. late by 196 days and thereafter on 25.9.2015 i.e. late by 44 days.

The reply does not point out that for such absconding any prison punishment has been inflicted upon the petitioner. If he was given any show cause notice and explanation was called for, those details are also not available. If there was just and sufficient reason for not

reporting within time, perhaps late reporting after arrest may not be a ground for declining him furlough. However, as this issue does not arise, we have not recorded any conclusive finding on it.

We direct the respondents to give fresh look to the matter and find out whether there was any just and sufficient grounds which constrained the petitioner not to report on due day. The exercise shall be completed within a period of six weeks from today and the respondents shall pass fresh orders on request of the petitioner for release on Furlough.

The criminal writ petition is thus partly allowed.

The charges of learned counsel appointed for the petitioner are fixed at Rs.1,500/-.

JUDGE

JUDGE

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...../-