

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.184 OF 2016

Dashrath Tukaram Bagul
(convict No.C-8173)
Age: 72 years, occu: nil
R/o Nashik Road Central Prison,
Nasik

Petitioner

Versus

1 The State of Maharashtra,
Through Deputy Inspector General (Prison)
Central Division, Aurangabad,
District : Aurangabad

2 The Additional Police Director General &
Deputy Inspector General (Prison)
Maharashtra State, Pune - 1

3 The Police Superintendent
Nashik Road Central Prison
Nashik

Respondents

Mr.Gajendra Jain advocate for the petitioner (appointed)
Mr.K.S. Pawar, Assistant Public Prosecutor for Respondents

CORAM : **R.M. BORDE & K.L. WADANE, JJ**

(Date : 20th APRIL, 2016.)

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petition is taken up
for final decision, at admission stage.

3 The petitioner is aggrieved by the order of refusal to grant furlough leave, passed by respondent No.2, the Additional Police Director General & Deputy Inspector General (Prison), Pune. The reason for refusal to grant furlough is, late reporting in past after availment of furlough leave on three occasions.

4 The petitioner is a life convict, undergoing imprisonment since his arrest in the year 2006. On earlier three occasions, he was released on furlough and he had reported late by 8 days, 58 days and 79 days respectively. On account of late reporting, the petitioner has already been penalized by reduction in remission by 8 days, 232 days and 395 days respectively. Since the petitioner has already been penalized for late reporting in past, he cannot be deprived of his right to be released on furlough forever. There cannot be controversy that to secure furlough, is a right of a convict under Rule 3 of the Prisons (Bombay Furlough & Parole) Rules, 1959. The another circumstance that needs to be considered is that, the petitioner is 72 years of age and is suffering from bronchial Asthama. A medical certificate in that regard is placed on record.

5 Considering the facts and circumstances of the case, we direct quashment of the impugned order passed by respondent

No.2 on 10.11.2015 and direct respondent authorities to grant furlough to the petitioner in pursuance of his application already tendered forthwith, in accordance with Rules.

6 Rule is made absolute accordingly. Petition is disposed of.

7 There shall be no order as to costs.

8 Mr. Jain, learned counsel appointed on behalf of the petitioner shall be paid legal remuneration of Rs.5,000/-.

(K.L. WADANE, J)

(R.M.BORDE, J)