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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.481/2016

Rahul Anant Ganeshwadi,
(Convict No.C-214),
age major, occu.nil,
r/o Visapur District Open Prison,
Tq.Shrigonda Dist.Ahmednagar.

...Petitioner..

Versus

1] The State of Maharashtra,
through Deputy Inspector General
(Prison), Western Division,
Pune-6.

2] The Police Superintendent,
Kolhapur Central Prison,
Kolhapur.

3] The Police Inspector,
Police Station, Ichalkaranji,
Ichalkaranji.

...Respondents...

.....

Shri G.D. Jain, Advocate appointed for petitioner.
Shri K.S. Patil, APP for respondent nos.1 to 3.

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

DATE: 02.05.2016

ORAL JUDGMENT (Per Borde, J.) :

1] Heard learned counsel for the parties. Rule.

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Rule made returnable forthwith and with the consent of learned counsel for the parties, the petition is taken up for final disposal at the admission stage.

2] The application tendered by the petitioner for extension of furlough leave, who is a life convict undergoing sentence of imprisonment at Visapur Open Prison, has been turned down by the Deputy Inspector General of Prison, Pune.

3] The petitioner has undergone total sentence of imprisonment including remissions of 15 years 11 months and 25 days. The petitioner was earlier released on furlough leave on 10.11.2015 for a period of 14 days and was actually released on 24.11.2015 and has reported back to the prison within the prescribed period. The petitioner while on furlough leave tendered an application for extension of furlough leave on 30.11.2015. The report tendered through the jail authorities, togetherwith the Police report, supports the claim of the petitioner for furlough extension, however, the DIG Prison by his order dated 30.12.2015, without recording any reasons, has turned down the request of the petitioner.

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4] It is surprising that the DIG Prison, overlooking the report and without recording any reasons, has arbitrarily turned down the request of the petitioner. The order passed by the DIG Prison, Pune, without assigning any reason thereby turning down the request made by the petitioner in spite of favourable reports by the jail authorities and the Police authorities, deserves to be quashed and set aside.

5] In the result, the order dated 30.12.2015 passed by the DIG Prison, Pune, is quashed and set aside. The respondents are directed to release the petitioner on furlough leave by granting him extension as requested by him in accordance with the relevant rules. Rule is made absolute accordingly.

6] Shri G.D. Jain, learned counsel appointed for the petitioner, to assist the Court shall be paid legal remuneration of Rs.5,000/-.

(K.L. WADANE, J.)

(R.M. BORDE, J.)