

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

CRIMINAL WRIT PETITION NO. 360 OF 2016

(Syed Samsher Ali Ramzan Ali (in Jail) vs. The Dy. Inspector General (Prisons), (East), Nagpur & Anr.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.
AUGUST 16, 2016.**

Heard Shri Mir Nagman Ali, learned counsel for the petitioner and Mrs. M.H. Deshmukh, learned APP for the respondents.

The petitioner – a convict, sentenced to imprisonment of five years on 28.10.2015 for the offence punishable under Section 307 of Indian Penal Code, sought furlough leave and that has been declined by the impugned order dated 12.04.2016. The reason is, apprehension of the authorities that the petitioner, if released, may threaten complainant and this may lead to law and order problem.

The respondents have filed reply and perusal of reply reveals that the respondents support the statement that the complainant and witnesses in the matter have received indirect threats from the accused. They are also relying upon crime chart which shows as many as 82 instances of alleged offences.

The learned APP has also pointed out that up to the year 2000, on at least four occasions, the petitioner was externed.

A perusal of crime chart shows that except for

first eight offences, all other offences are quite old. The last externment is also of the year 2002. The last of the crimes is of the year 2013.

The petitioner has not been released on furlough after his conviction. He was in jail throughout. The reasons that the complainant and witnesses have received threats indirectly from the petitioner are not supported by necessary material on record. However, Shri Ali, learned counsel, upon instructions states that in order to avoid any complication, the petitioner shall stay at Umred i.e. about 40 kms away from Nagpur city. The complainant and his witnesses are residing in Nagpur city.

In this situation, we direct the petitioner to furnish whereabouts of his stay at Umred along with name of relative and other details for consideration of his request. If these details are furnished by the petitioner within a period of one week from today, the respondents shall verify it and if they are satisfied about the correctness thereof, they shall release him on furlough leave in accordance with law, after obtaining necessary undertaking and bonds.

Writ Petition is accordingly partly allowed and disposed of. No costs.

JUDGE

JUDGE

*GS.

CERTIFICATE

“I certify that this Order uploaded is a true and correct copy of original signed Order.”

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