

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

CRIMINAL WRIT PETITION No. 417/2016.

Sk. Fahim Sk. Gaffar

-VERSUS-

D.I.G. (Prison) (East), Nagpur and another.

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.

DATE : AUGUST 16, 2016.

Heard Shri N.A. Badar, learned Counsel for
the petitioner and Smt. M.H. Deshpande, learned
A.P.P. for respondents.

2. Petitioner before this Court is a convict,
sentenced on 16.05.2015. It is claimed that he is in
jail since last four years. His application for furlough
leave is rejected on the ground that the complainant
and prosecution witnesses apprehend danger from
him.

3. Learned Counsel for the petitioner submits
that this Court has recently released co-accused on

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furlough.

4. Learned A.P.P. submits that she has no knowledge about release of co-accused. However, she is relying upon reply affidavit to urge that as witnesses have apprehended danger to their life, furlough leave has been rejected.

5. With the assistance of learned counsel we have perused the papers. Except for the reason that witnesses have apprehended danger to their life, no facts leading to such apprehension are placed on record. It is apparent that before this petitioner was never released on any leave. As such we find the impugned order unsustainable. The same is quashed and set aside.

6. Respondents are directed to release the petitioner on furlough leave within a period of three weeks from today, after obtaining necessary Bond / undertaking from him and his relatives. Writ Petition is, thus partly allowed and disposed of. No costs.

JUDGE

JUDGE

Rgd.

CERTIFICATE

I certify that this judgment/order uploaded
is a true and correct copy of original signed
judgment/order.

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