

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

CRIMINAL WRIT PETITION NO.583 OF 2016

Altaf Hussain Khwaja Gulam Abbas

..VS..

Dy. Inspector General (Prisons), East Division, Nagpur and anr

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

Court's or Judge's Order

Shri G.S. Agrawal, counsel for the petitioner (appointed).
Mrs. Nandita Tripathi, Addl.P.P. for respondent Nos.1 and 2/State.

**CORAM : B.P. DHARMADHIKARI &
S.B. SHUKRE, JJ.**

DATED : NOVEMBER 17, 2016.

Heard learned counsel Shri G.S. Agrawal
appointed for the petitioner and learned Additional
Public Prosecutor Mrs. Nandita Tripathi for respondent
Nos.1 and 2/State.

Perused the impugned order.

Furlough leave of the petitioner has been
declined on account of apprehension of breach of peace,
threat to life, safety of witnesses, and as the period of
six months after last surrender has not expired.

After hearing respective learned counsel for
the parties, we find that earlier the petitioner was
released on two occasions and there is no history of any
breach of peace or of any threat being extended to any

.....2/-

persons or witnesses. Thus, apprehension expressed is unsustainable. It is not in dispute that the petitioner has reported back lastly on 3.2.2016 that is on due date. During the pendency of this proceeding, the period in excess of six months has already expired.

In this situation, we grant the petitioner to make fresh application seeking leave under the appropriate provisions. If such application is moved by the petitioner within a period of three weeks from today, the appropriate authority shall consider it within a period of next four weeks.

The criminal writ petition is accordingly allowed and disposed of.

Charges of learned counsel Shri G.S. Agrawal appointed for the petitioner are quantified at Rs.1500/- (rupees one thousand five hundred only).

JUDGE

JUDGE

!! BRW !!

C E R T I F I C A T E

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

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- 21/11/2016

...../-