

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

CRIMINAL WRIT PETITION No. 745/2016.

Firoz Khan Akbar Khan Pathan (in Jail)

-VERSUS-

Dy.I.G. Of Prisons (E) Nagpur Division, 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 &
KUM. INDIRA JAIN, JJ.

DATE : DECEMBER 08, 2016.

Heard Shri R. Chhabra, learned counsel
[appointed] for the petitioner and Ms. N. Tripathi,
learned A.P.P. for respondents. Perused impugned
order dated 30.07.02016 and reply affidavit.

2. Furlough leave has been declined to the
petitioner on the ground that he is in the habit of
late surrendering; was required to be arrested on
last occasion; offence under Section 224 of Indian
Penal Code is registered against him.

3. Perusal of the chart placed on record as
part of reply affidavit by the respondents shows

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that out of total 10 occasions pointed out therein, he has surrendered back himself on 9 occasions. In 2012, while on parole leave he was required to be arrested and brought back after overstay of 54 days.

4. He was released on parole leave on 06.06.2014 and he has reported back on due date. On 21.09.2015, he was again given parole leave and he surrendered himself, but, late by 14 days. For this late reporting on 04.01.2016 an offence under Section 224 of Indian Penal Code has been registered against him.

5. In this situation, taking over all view of the matter, we find no substance in the order rejecting furlough leave. The said order 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 bonds and undertaking from him and his surety.

7. Writ Petition is accordingly partly allowed and disposed of.

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8. Fee payable to the learned counsel appointed for the petitioner is quantified at Rs. 1500/-.

JUDGE

JUDGE

Rgd.