

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

CRIMINAL WRIT PETITION NO. 800 OF 2016

(Pintya @ Vinod Padmakar Sawai vs. The State of Maharashtra thr. D.I.G. Prison (E)(R), 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 &
KUM. INDIRA JAIN, JJ.
DECEMBER 13, 2016.**

Heard Mrs. A.A. Ghonge, learned counsel (appointed) for the petitioner and Mrs. N.R. Tripathi, learned APP for the respondents.

2. The petitioner is in jail for last more than five years. He is denied furlough leave on the ground that he has not surrendered on due date on five occasions.

3. The learned APP points out that he was required to be arrested once.

4. A perusal of chart shows that in 2010 he has surrendered himself on due date. On 02.07.2015 (date appears to be incorrect) it is claimed that he has reported late by 17 days. On 01.06.2011, he was released and required to be brought back by police after arresting him after 61 days. After his release in March 2012, he has reported voluntarily but late by 221 days. Thereafter, he was again released on 08.08.2013 and he reported voluntarily but late by 46 days. For his late surrender, an offence under Section 224 has been registered against him. Even after his arrest, he was released twice and he reported

back voluntarily.

5. There is no other adverse material against him.

6. In this situation, subject to his furnishing competent surety and an undertaking to report local Police Station once in every three days during the period of furlough leave, he shall be released within next three weeks.

7. Criminal Writ petition is accordingly partly allowed and disposed of.

8. The charges of counsel appointed for the petitioner are fixed at Rs.1,500/-.

JUDGE

JUDGE

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