

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

CRIMINAL WRIT PETITION NO. 905/2015.

Umesh Vishnu Ingole (In jail)_

-VERSUS-

The DIG Prison (E)(R), Nagpur and other.

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
& V.M.DESHPANDE, JJ.**

DATE : JANUARY 15, 2016.

Heard Ms. D.V. Sapkal, learned Counsel
(appointed) for the petitioner and Ms. N.R. Tripathi,
learned A.P.P. for respondents. Perused papers and
reply affidavit.

2. Additional Superintendent of Police, Akola
has on 24.08.2015 submitted a report on furlough
application of petitioner. Report is not adverse,
however, by the impugned order dated 04.09.2015,
furlough leave has been denied on the ground that

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when the petitioner was released on parole leave on earlier two occasions, he did not report back in time.

3. Learned A.P.P. points out that when he was released on 14.02.2009, on parole, he surrendered on 31.07.2011 i.e. late by almost 837 days. Thereafter, again he was released on parole on 08.06.2013 and he reported late by 113 days i.e. on 30.10.2013.

4. During hearing we find that for this late surrender no prison punishment has been ordered. Probably, the Authorities were satisfied that late reporting is for some valid reason, however, we are not recording any conclusive finding in this respect.

5. In this situation, when petitioner has surrendered voluntarily on both the occasions and police report is not adverse, order passed regarding denial of furlough leave cannot be sustained. The impugned order is quashed and set aside. Respondents to obtain bond and undertaking from the petitioner and his sureties and release him on furlough immediately.

6. Writ Petition is accordingly allowed and disposed of in aforesaid terms. No costs.

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7. Fees for the Advocate appointed for the petitioner is quantified at Rs.1500/-

JUDGE

JUDGE

Rgd.