

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

CRIMINAL WRIT PETITION NO. 832 OF 2016.

(SHANKAR GOVINDRAO LANDGE ..VS..SUPERINTENDENT, CENTRAL PRISON, NAGPUR & ANR.)

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

Court's or Judge's orders

Shri A.S. Band, Advocate for Petitioner.
Ms Nandita Dubey-Tiwari, A.P.P. for Respondent/ State.

CORAM : B.P.DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : DECEMBER 15, 2016.

1. Heard Advocate Shri Band for the petitioner and
APP Ms Nandita Dubey-Tiwari for the respondent.

2. Perused impugned order as also the reply.

3. Furlough leave has been rejected on 04/10/2016
on ground of late reporting on three occasions and one arrest.
On first occasion and last two occasions the petitioner has
surrendered himself, but belatedly. He was required to be
arrested on 10/01/2013 and was brought back to prison after
overstay of 265 days. It appears that for overstaying in 2014
when the petitioner surrendered himself late by 56 days
offence punishable under Section 224 of the Indian Penal
Code is already registered.

4. The impugned order as also the reply do not
disclose release of the petitioner on furlough leave as per
orders of this Court dated 26th June, 2015 in Criminal Writ

Petition No. 386 of 2015. Copy of the said order is produced before this Court by Shri Band for perusal. The application presented to this Court, however, does not mention it and learned A.P.P. is also not aware of this development.

5. Shri Band submits that when the petitioner was released because of orders of this Court dated 26th June, 2016 he reported back on due date. As this last reporting is on due date, earlier conduct could not have been looked into.

6. The rejection of parole impugned in the present matter is on 4th October, 2016 and the application for that purpose appears to have been moved some time in July or August, 2016. He was released from prison for enjoying furlough leave some time in July, 2015.

Some disputed questions, therefore, arise.

7. In this situation, we quash and set aside order dated 04/10/2016 and direct the authority to consider the last release of the petitioner consequent to orders dated 26th June, 2015 passed by this Court in Criminal Writ Petition No. 386 of 2015 and thereafter issue necessary directions as per law within six weeks of communication of this order to it.

The writ petition is thus, partly allowed and disposed of.

JUDGE

JUDGE