

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

CRIMINAL WRIT PETITION NO.934 OF 2015

Chandrashekhar Suresh Bhoyar

..vs..

The DIG Prison (E) (R), District Nagpur and anr

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

Court's or Judge's Order

Mrs. S.P. Giratkar, Counsel for the Petitioner (Appointed).
Shri V.P. Maldhure, Addl.P.P. for the Respondents/State.

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.**

DATED : FEBRUARY 16, 2016.

Heard learned counsel appointed for the
petitioner Mrs. S.P. Giratkar and learned Addl.P.P. for
the respondents/State Shri V.P. Maldhure.

Perused application as also reply. In
application the grievance is, period of 42 days of
extended furlough leave may not be counted as
remission. However, in next paragraph of the
application, i.e. in paragraph No.4, that period is
stipulated as 56 days.

Learned counsel appointed for the
petitioner Mrs. S.P. Giratkar submits that though she
has given letter, she could not receive instructions in
this respect.

Learned Addl.P.P. for the respondents/State

Shri V.P. Maldhure is relying upon reply-affidavit. He submits that as and when the case of the petitioner is considered for release, this aspect can be gone into.

The judgment of the Honourable Apex Court has been followed by this Court and it has been held that provision of GR, which has come into force subsequently if they are more liberal, the same needs to be extended to a case of the prisoner though he has been convicted prior to the date of that GR.

In this view of the matter, it is apparent that as and when the case of petitioner is looked into for his release, this judgment shall be kept in mind and extended period of furlough leave either of 42 days or 56 days shall be looked into as remission.

Hence, with a direction to the respondents to consider the entitlement of the petitioner in accordance with law as and when the date of his release is to be finalized, we dispose of the present writ petition.

Charges of learned counsel appointed for the petitioner are fixed at Rs.1,500/-.

JUDGE

JUDGE

!! BRW !!

...../-