

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

Criminal Writ Petition No.334 of 2017
(Siddharth s/o. Sitaram Shinde .vs. State and another)

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

Court's or Judge's Orders

 Mr.N.P.Meshram, Advocate for the Petitioner.
 Mr.P.S.Tembre, A.P.P. for the Respondent Nos. 1 and
 2.

CORAM : SMT VASANTI A NAIK &
 M. G. GIRATKAR, JJ.

DATE : 31.8.2017.

By this Criminal Writ Petition, the petitioner challenges the order of the D.I.G. (Prisons), dt.1.2.2017 rejecting the application of the petitioner for grant of furlough leave.

On a reading of the impugned order, we find that the D.I.G. (Prisons) was not justified in rejecting the application of the petitioner for grant of furlough leave by resorting to the provisions of Rule 4(10) of the Prisons (Bombay Furlough and Parole) Rules, 1959. It appears that the petitioner has undergone the sentence for a period of nearly six years and on the earlier occasion when the petitioner was released on the parole and furlough leaves, he was late in surrendering by 6 days and 14 days. The petitioner has undertaken to surrender on the due date this time, on the expiry of the furlough leave. Since, on the two earlier occasions, the petitioner was late by a few days, a

chance to improve himself needs to be granted to the petitioner. Hence, for the reasons aforesaid, the Criminal Writ Petition is allowed. The impugned order is quashed and set aside.

The respondents are directed to release the petitioner on furlough leave within seven days from the date on which the relative of the petitioner furnishes the surety as required by Rule 6 of the Rules. Order accordingly.

JUDGE

JUDGE

**jaiswal*