

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
Criminal Writ Petition No. 367/2017

Petitioner : Roshan Kishor Sahakar
Convict No. 736, Central Prison,
Nagpur

Versus

Respondents : 1. Deputy Inspector General (Prisons)
(East) Nagpur
2. The Superintendent Central Prison,
Nagpur

Shri Mir Nagman Ali, Advocate for applicants
Shri A.M.Joshi,A.P.P for the respondent no. 1 and 2

**CORAM : P.B.Varale and
M.G.Giratkar, JJ.**

DATE : 26.7.2017.

Oral Judgment : (Per Murlidhar G. Giratkar)

RULE. Rule made returnable forthwith. Heard finally with
the consent of the learned council for the parties.

2. By this petition, the petitioner has challenged the
impugned order dated 02/02/2017, by which the application of
petitioner dated 15/11/2016 for Furlough came to be rejected .

3. Learned Counsel for the petitioner Mr. Ali has submitted that the petitioner was released on Furlough leave on 11/05/2011. He was late by 286 days because his mother was suffering. Thereafter, he was released on Parole and he surrendered to the Jail Authority. It is submitted that conduct of the petitioner is satisfactory. Therefore, prayed to quash and set aside the impugned order.

4. The Learned A.P.P Mr. Joshi has strongly supported the impugned order. As per the submission of Learned A.P.P, the petitioner was lastly released on 07/03/2017 and he surrendered himself on 07/04/2017. The petitioner applied for Furlough on 15/11/2016. Learned A.P.P has submitted that as per Rule 5, there should be a gap of six months. Thus, learned A.P.P Mr. Joshi submits that the petition is liable to be dismissed.

5. Mr. Mir Nagman Ali, the learned counsel for the petitioner has pointed out the amended rules dated 01/12/2015. He submits that as per clause 8 (C) (3) of the said Rules, the petitioner/convict is eligible for subsequent release on Furlough after completion of six months of actual imprisonment from the date of last return from Furlough.

6. It is pertinent to note that the petitioner was released on Parole and he surrendered himself on 07/04/2017. As per the amended rule 8 (C) (3), the petitioner/convict shall be eligible for subsequent release on Furlough after completion of six months of actual imprisonment from the date of last reported from Furlough. The petitioner was lastly released on Furlough on 21/01/2016 and surrendered on 20/02/2016.

7. Therefore, in view of the amended rules, he is entitled for Furlough leave. Hence, we allow the petition in terms of prayer clause no. 2, directing the respondent authorities to release the petitioner on Furlough on usual condition.

JUDGE

JUDGE

A.P. Ansari