

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 439/2017

(VINOD RAMRAO PACHANG (IN JAIL) **VERSUS** THE D.I.G. OF PRISONS, NAGPUR & ANOTHER)

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

Court's or Judge's orders

Ms S.B. Khobragade, Counsel for the petitioner.
 Shri A.M. Deshpande, Additional Public Prosecutor for the respondents.

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

DATE : AUGUST 09, 2017.

By this criminal writ petition, the petitioner challenges the order of the D.I.G. of Prisons, Nagpur, dated 09.05.2013 rejecting the application filed by the petitioner for grant of furlough leave for 21 days.

It is stated on behalf of the petitioner that the application filed by the petitioner for furlough leave is wrongfully rejected by stating that the brother of the petitioner, who is ready to furnish the surety, has sold his house and two cases are pending against the petitioner under the provisions of Sections 294, 506, 323 read with Section 4/25 of the Arms Act.

Shri Deshpande, the learned Additional Public Prosecutor, relies on the police verification report as also the affidavit-in-reply filed on behalf of the respondent no.2 to submit that since the police verification report was adverse to the petitioner, the petitioner's application was rejected under the provisions of Rules 4(4) and 4(6) of the Prisons (Bombay Furlough and Parole) Rules, 1959.

On a reading of the police verification report and the affidavit-in-reply filed on behalf of the respondent, it appears that the respondent no.2 was not justified in rejecting the application filed by the petitioner for grant of furlough leave of 21 days though a crime is registered against the petitioner under Section 294, 506, 323 of the Penal Code. Bail is granted to the petitioner in respect of the crime registered against him. Merely because the brother of the petitioner may have sold the house that was owned by him, the parole application of the petitioner could not have been rejected. We do not find that any of the grounds stated in the police verification report or the reply filed on behalf of the respondent no.2 are sufficient for rejecting the application filed by the petitioner for grant of furlough leave.

Hence, by allowing the writ petition, we direct the respondent no.2 to grant furlough leave of 21 days to the petitioner within seven days from the date on which the petitioner furnishes the surety, as required by Rule 6 of the Rules.

Order accordingly.

JUDGE

JUDGE

APTE