

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

CRIMINAL WRIT PETITION NO. 476/2017

(SABUDDIN SAMASUDDIN PATHAN (IN JAIL) **VERSUS** THE DIG OF 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

Ms S.B. Khobragade, counsel for the petitioner.
 Shri A.M. Joshi, A.P.P. for the respondents.

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

DATE : SEPTEMBER 08, 2017.

By this criminal writ petition, the petitioner challenges the order of the D.I.G. Prisons dated 10.04.2017 rejecting the application of the petitioner for grant of furlough leave.

Ms Khobragade, the learned counsel for the petitioner, states that merely because the petitioner had surrendered a few days after the due date, the D.I.G. Prisons was not justified in rejecting the furlough leave application.

Shri Joshi, the learned Additional Public Prosecutor appearing for the respondents, states that when the petitioner was released on furlough leave on 21.08.2015, he had surrendered late by fifteen days and when he was released on parole leave on 28.03.2016, he was required to be brought back to the prison twenty nine days after the due date.

Ms Khobragade, the learned counsel for the petitioner, states that the petitioner may be granted an opportunity to mend his ways. It is stated that since the delay on the part of the petitioner was not much, a lenient view may be taken in the matter as the petitioner would undertake to surrender on the due date on this occasion.

With a view to grant an opportunity to the petitioner, we allow the petition and quash and set aside the impugned order. The respondents are directed to release the petitioner on furlough leave within seven days from which the relative of the petitioner furnishes surety, as is required by Rule 6 of the Rules of 1959.

Order accordingly.

JUDGE

JUDGE

APTE