

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

CRIMINAL WRIT PETITION NO. 514/2017

(VAIBHAV KHUSHALRAO TIJARE (IN JAIL) **VERSUS** STATE OF MAHARASHTRA & ANOTHER)

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

Court's or Judge's orders

Shri Robin Somkuwar, Counsel for the petitioner.
Ms T. Khan, 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. (Prisons), Nagpur, dated 09.12.2016, rejecting the application filed by the petitioner for grant of furlough leave.

The learned Additional Public Prosecutor has tendered a reply of the respondent no.2 in the Court, today. The same is accepted on record. It is stated in the reply that on earlier occasions, the petitioner was released on parole and furlough leave on five occasions and except on one occasion, when he surrendered on due date, the petitioner had surrendered belatedly, 6 days, 101 days, 100 days after the expiry of the leave period. It is stated that on the last occasion, the petitioner did not surrender on the due date and he was required to be arrested by the police and brought back to the prison after a period of seven days.

We do not find any infirmity in the order of the D.I.G. (Prisons), Nagpur in the circumstances of the case. On four out of five occasions on which the petitioner was released on furlough and parole leave, the petitioner did not surrender on due date and surrendered three months later and on the last occasion, he did not surrender at all and he was required to be arrested. The order of the D.I.G. (Prisons), Nagpur is in consonance with the Rule 4(10) of the Prisons (Bombay Furlough and Parole) Rules, 1959. Hence, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

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