

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

Criminal Writ Petition No.621 of 2017
(Krunal s/o. Anil Jaiswal .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.
Mrs.Nandita Tripathi, A.P.P. for Respondent/State.

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

DATE : 18.8.2017.

By this Criminal Writ Petition, the petitioner challenges the order of the D.I.G. (Prisons), Nagpur and seeks his release on furlough leave.

We find that the application of the petitioner for grant of furlough leave is rejected on the ground that the petitioner had not surrendered on the due date of the expiry of the furlough leave on the earlier occasion by 17 days.

Since only on one occasion when the petitioner was released on furlough leave, he had not surrendered himself within the prescribed time due to ill-health of his mother, an opportunity needs to be granted to the petitioner. It would be necessary to direct the respondents to release the petitioner on furlough leave with a view to grant him an opportunity to mend his ways. The learned Counsel for the petitioner has stated that the petitioner

would surrender on the due date on this occasion as the proceedings are pending against him for the offence punishable under Section 224 of the Indian Penal Code for overstaying the parole leave.

Hence, by quashing and setting aside the impugned order, we direct the respondents to release the petitioner on furlough leave for 30 days within seven days from the date on which his relatives furnish the surety as required by Rule 6 of the Prisons (Bombay Furlough and Parole) Rules, 1959. Order accordingly.

JUDGE

JUDGE

**jaiswal*