

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

CRIMINAL WRIT PETITION NO. 631/2017

(RAJKUMAR HANSARAJ VERMA (IN JAIL) **VERSUS** THE SUPERINTENDENT OF PRISON, CENTRAL
JAIL NAGPUR & ANOTHER)

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

Court's or Judge's orders

Shri G.L. Agrawal, Appointed Counsel for the petitioner.
Shri K.R. Lule, A.P.P. for the respondents.

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

DATE : AUGUST 21, 2017.

By this criminal writ petition, the petitioner challenges the order of the D.I.G. Prisons, Nagpur, dated 02.05.2017 rejecting the application of the petitioner for grant of furlough leave.

It appears on hearing the learned counsel for the parties and on a perusal of the impugned order that the application of the petitioner for grant of furlough leave was rejected as no relative of the petitioner that resides in Kharasoli where the petitioner intends to reside while on furlough leave is ready to furnish surety as required by Rule 6 of the Rules of 1959. The woman who is ready to furnish surety for the petitioner is not his relative and she is the wife of one of the convicts who is also undergoing a sentence for imprisonment. If the petitioner would furnish the surety of his relative from village Kharasoli, the petitioner would be entitled to the furlough leave.

Since the impugned order is just and proper, we dispose of the criminal writ petition with a direction to the respondents to permit the petitioner to avail the furlough leave only if the relative of the petitioner residing in village Kharasoli furnishes the surety as required by Rules 6 of the Rules of 1959. If the petitioner intends to reside in some other place while availing the furlough leave, the petitioner can furnish the surety of the relative residing in the said place. The furlough leave could be granted to the petitioner by verifying the said aspect.

The professional fees of the learned counsel for the petitioner are quantified at Rs.1,500/-.

Order accordingly.

JUDGE

JUDGE

APTE