

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

CRIMINAL WRIT PETITION NO. 692/2017

(KIRAN UMARAOJI KAITHE (IN JAIL) VERSUS THE DIG PRISONS (E)(R), 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.
Ms N.R. Tripathi, A.P.P. for the respondents.

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

DATE : SEPTEMBER 01, 2017.

By this criminal writ petition, the petitioner challenges the order of the D.I.G. Prisons, Nagpur, dated 21.07.2017 rejecting the application of the petitioner for grant of furlough leave.

Ms Khobragade, the learned counsel for the petitioner, states that the reason for rejecting the application of the petitioner for grant of furlough leave is not proper. It is stated that only because the petitioner had overstayed the furlough leave on one occasion and he was required to be brought to the prison by the police, five days after the expiry of the furlough leave, the application should not have been rejected. It is stated that a chance should be granted to the petitioner to improve.

On hearing the learned counsel for the parties and on a perusal of the impugned order, it appears that D.I.G. Prisons ought to have granted an opportunity to the petitioner to mend his ways. Only on one occasion, when the petitioner was released on furlough leave in the year 2016, he had not surrendered on the due date and he was required to be brought to the prison, five days after the expiry of the furlough leave. As rightly submitted on behalf of the

petitioner, an opportunity needs to be granted to the petitioner to improve.

In the circumstances of the case, we allow the writ petition and quash and set aside the impugned order. The respondents are directed to release the petitioner on furlough leave within seven days from the date on which the relative of the petitioner furnishes surety, as is required by the Rule 6 of the Rules of 1959.

Order accordingly.

JUDGE

JUDGE

APTE