

1. The D.I.G. Prison (E) (R),
Nagpur, Tq. and Distt.
Nagpur.
 2. The Superintendent of Prison,
Central Prison, Amravati,
District Amravati.
- RESPONDENTS

Mr.A.A.Pannase, Advocate (appointed) for the Petitioner.
Mrs.Nandita Tripathi, A.P.P. for the Respondents/State.

CORAM : R. K. DESHPANDE
AND
M.G.GIRATKAR, JJ.

DATED : 20th November, 2017.

ORAL JUDGMENT (Per R. K. Deshpande, J) :

1. Rule is made returnable forthwith. Heard finally by the consent of the learned Counsel appearing for the parties.

2. The claim for release of the petitioner on furlough for a period of 28 days has been rejected by the order dt.30.5.2017 passed by the respondent no.1 – the Competent Authority. In para no.4 of the reply filed by State, it is pointed out that the petitioner was granted furlough leave on three occasions and parole leave on four occasions. On every occasion, he reported late and once the offence under Section 224 was also registered against the petitioner. It is the stand taken that the application is rightly rejected as per the

provisions of Rules 4(4), 4(6) and 4(10) of the Prisons (Bombay Furlough and Parole) Rules, 1959.

3. We have considered the reply filed by the respondents. We are of the opinion that the petitioner can be granted furlough leave subject to certain conditions, although, on the earlier occasions, he has reported late. We, therefore, set aside the order dt.30.5.2017 passed by respondent no.1 and hold that the petitioner is entitled to furlough leave for a period of 28 days on the conditions which were imposed on the earlier occasions for release of the petitioner on parole leave. In addition to it, the petitioner shall not leave the Amravati District without prior intimation to the Police Station at Talegaon. The petitioner shall also report to Police Station, Talegaon on every Saturday at 11.00 a.m. Failure on the part of the petitioner to report the Police Station on any date without prior permission of the Police Station in-charge, shall result in cancellation of the furlough leave.

The petition is, thus, allowed in the aforesaid terms.

Fees of the learned Counsel for the petitioner is quantified at Rs.1,500/-.

JUDGE

JUDGE

[jaiswal]