

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

CRIMINAL WRIT PETITION NO. 845/2017

(SHEIKH WASHIM SHEIKH AHMAD (IN JAIL) **VERSUS** D.I.G. (PRISONS) EASTERN REGION, NAGPUR
 & ANOTHER)

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

Court's or Judge's orders

 Mrs.P.P. Chobe, Appointed Counsel for the petitioner.
 Ms T. Khan, A.P.P. for the respondents.

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

DATE : SEPTEMBER 20, 2017.

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

The furlough leave application of the petitioner is rejected as the relative of the victim have objected to the release of the petitioner on furlough leave. The other reason for rejecting the application is that the petitioner has filed an appeal against his conviction and the same is pending.

We do not appreciate both the reasons recorded by the D.I.G. Prisons for rejecting the application of the petitioner. The relatives of the victims are bound to object to the release of the petitioner. That cannot be a ground for rejecting the application for grant of furlough or parole leave. Also, Rule 4(11) of the Rules is challenged in a couple of writ petitions and in those writ petitions, this Court has directed the respondents to release the petitioner on furlough leave. We had *prima-facie* found that the provisions of Rule 4(11) of the Rules are arbitrary and unreasonable.

Hence, for the reasons aforesaid, the criminal writ petition is allowed. The impugned order is quashed and set aside. The respondents are directed to release the petitioner on furlough leave within one week from the date on which the relative of the petitioner furnishes surety as is required by Rule 6 of the Rules.

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

JUDGE

JUDGE

APTE