

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

Writ Petition No. 874 /2017

Kunal @ Tyagi Ramesh Tagde (In jail)

-vs-

The State of Maharashtra through the D.I.G Central Prison, Eastern Region,
Nagpur & anr.

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

Court's or Judge's orders

Shri S. D. Wankhede, Adv. for the petitioner
Smt. T.H. Khan, A.P.P for the Respondents

CORAM : Smt. Vasanti A. Naik &
M.G. Giratkar, JJ.

DATE : 29/09/2017

Heard.

By this criminal writ petition, the petitioner challenges the order of the D.I.G (Prisons), Nagpur dated 04/09/2016 rejecting the application of the petitioner for grant of furlough leave.

The furlough leave application of the petitioner is rejected on the ground that when the petitioner was released on furlough in the year 2011, he was required to be brought to the prison, 867 days after the due date.

We do not find any proprietary in the order of the D.I.G (Prisons) in rejecting the furlough leave application as though in the year 2011, the petitioner was required to be brought back to the prison after 867 from the due date, when the petitioner was released on

parole leave in the year 2015, he had surrendered on the due date. Since the petitioner had mend his ways and had improved his conduct, it is wrongful on the part of the D.I.G (Prisons) to reject the furlough leave application of the petitioner by considering a stale matter.

In view of the 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 7 days from the date on which the relative of the petitioner furnishes the surety as required by the provisions of Rule 6 of the Rules of 1959.

Order accordingly.

JUDGE

JUDGE

Ansari