

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 938 OF 2016.

(Virendrasing Rampukarsing Khairwar .vs. The State of Maharashtra & another)

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

Mr. N.H. Samundre, Advocate for petitioner,
Smt. N.P. Mehta, A.P.P. for respondents.

CORAM : B.R. GAVAI & KUM. INDIRA JAIN, JJ.

DATED : FEBRUARY 15, 2017.

The petitioner has approached this Court being aggrieved by rejection of his application for furlough. Perusal of the record would reveal that the application is basically rejected on the ground that when the applicant was earlier released on temporary bail, he was required to be arrested since he did not surrender on the due date.

The perusal of the reply will reveal that the petitioner was arrested within a period of four days from the due date. It can thus be seen that it is not as if there was an inordinate delay by the petitioner in surrendering before the authorities.

The Division Bench of this Court in the case of **Jaggusingh Ramsingh Mungona .vs. The D.I.G. Prisons (E) (R), Nagpur & another in Criminal Writ Petition No. 470/14 at Nagpur decided on 18.7.2014** has held that merely because the prisoner was required to be arrested cannot be a ground for rejection of furlough application. It has been held that the case will have to be decided on the basis of facts and circumstances

of each case.

We find that not surrendering within four days would not be a ground to disentitle the petitioner for his valuable right of furlough.

In that view of the matter, the petition is allowed. The petitioner is directed to be released on furlough after following the procedure prescribed by law.

Judge

Judge

J.