

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

CRIMINAL WRIT PETITION NO.141 OF 2018

[Sangeet Rajaram Ingale .vs. Deputy Inspector General of Prison, Eastern Region, Nagpur and one]

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

Court's or Judge's orders

Ms D.V. Sapkal, Counsel (Appointed) for the petitioner,
Shri K.L. Dharmadhikari, APP for the respondents-State.

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : APRIL 20, 2018.

Heard.

By this criminal writ petition the petitioner challenges the order of the DIG Prisons, Nagpur dated 4.12.2017 rejecting the application of the petitioner for furlough leave.

The furlough leave application of the petitioner is rejected solely on the ground that the appeal filed by the petitioner against the judgment of his conviction and sentence is pending.

We do not find any propriety in the rejection of the furlough leave application of the petitioner on the said ground. Merely because an appeal filed by the prisoner is pending, furlough leave cannot be denied to him. Rule 4 (11) of the Rules is challenged in a number of criminal writ petitions and in those criminal writ petitions, this court has directed the release of the petitioner in those cases on furlough leave after prima facie holding that the provisions of Rule 4 (11) of the Rules are arbitrary and unreasonable.

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 seven days from the date on which his relative

furnishes the surety as is required under Rule 6 of the Prisons (Bombay Furlough and Parole) Rules, 1959. Order accordingly.

JUDGE

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JUDGE