

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

CRIMINAL WRIT PETITION NO.143 OF 2018

[Suresh Sambhaji Gaikwad .vs. Deputy Inspector General (Prisons) (East), 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

Shri M.N. Ali, counsel for the petitioner,
Shri I.J. Damle, APP for respondents.

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

DATED : MARCH 13, 2018.

By this writ petition, the petitioner challenges the order of the D.I.G. Prisons, Nagpur dated 21.11.2017 rejecting the application of the petitioner for furlough leave.

The furlough leave application of the petitioner is rejected mainly on the ground that on earlier occasion when the petitioner was released on furlough leave, he had surrendered 1015 days after the due date. It is stated in the impugned order that if the petitioner is released on furlough leave, there is an apprehension that he would not surrender on the due date.

Shri Ali, the learned counsel for the petitioner, states that out of four occasions on which the petitioner was released on furlough or parole leave, the petitioner had surrendered on the due date on three occasions and on only one occasion there was an inordinate delay in surrendering. It is stated that if the petitioner is released on furlough leave on this occasion, he would surrender on the due date.

Considering the previous record of the petitioner of surrendering on the due date on three earlier occasions, it would be necessary to grant an opportunity to the petitioner to mend

his ways. It would be necessary to release the petitioner on furlough leave to consider whether the petitioner would surrender on the due date on this occasion.

In the circumstances of the case, we quash and set aside the impugned order. The respondents are directed to release the petitioner on furlough leave within seven days from the date on which the relative of the petitioner furnishes the surety as is required by Rule 6 of the Prisons (Bombay Furlough and Parole) Rules, 1959. The petitioner should ensure that he returns to the prison on the due date on this occasion. Order accordingly.

JUDGE

JUDGE

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