

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

CRIMINAL WRIT PETITION NO. 147/2018

(DINESH DEVIDAS GAIKI (IN JAIL) **VERSUS** THE DIG OF PRISON (E) (R) NAGPUR & ANOTHER)

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

Court's or Judge's orders

Ms S.B. Khobragade, counsel for the petitioner..
 Shri B.M. Lonare, A.P.P. for the respondents.

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

DATE : FEBRUARY 27, 2018.

By this writ petition, the petitioner challenges the order of the D.I.G. Prisons, Nagpur, dated 19.01.2018 rejecting the furlough leave application of the petitioner.

On hearing the learned counsel for the parties and on a perusal of the impugned order, it appears that the D.I.G. Prisons was not justified in rejecting the furlough leave application of the petitioner solely on the ground that one more offence was pending against the petitioner in which he is released on bail. We find that the petitioner has undergone the sentence of imprisonment for more than six years. Merely because one more offence is pending against the petitioner in which he is released on bail, the furlough leave application of the petitioner could not have been rejected. Moreover, on each of the earlier occasions when the petitioner was released on parole or furlough leave, it is stated that he had reported in the prison on the due date.

Hence, for the reasons aforesaid, the 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 which the petitioner furnishes the surety as is required by Rule 6 of the Rules.

Order accordingly.

JUDGE

JUDGE

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