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IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL WRIT PETITION NO. 197/2018

(Laxmikant @ Lacchu Ravindra Faye vs. The State of Maharashtra and another)

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

Court's or Judge's order

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 Ms. S.D.Wankhede, Advocate for the petitioner
 Mr. B.M.Lonare, Addl. Public Prosecutor for respondents

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

DATED :26th February, 2018.

Heard.

By this writ petition, the petitioner challenges the order of the Divisional Commissioner, Nagpur, dated 3.2.2018, rejecting the application of the petitioner for parole leave.

According to the petitioner, his mother is seriously ill and, therefore, he had applied for parole leave. The parole leave application of the petitioner was rejected by observing that if the petitioner is released on parole leave, he would cause danger to the family members of the victim. The other reason for rejecting the parole leave application is that there are other members in the family of the petitioner to look after his mother.

We are not impressed by the reasons recorded by the Divisional Commissioner for rejecting the parole leave application. In the case of every prisoner, normally there is bound to be a victim and the furlough or parole leave application cannot be

rejected solely on the ground that if the prisoner is released on furlough or parole leave he would cause danger to the family members of the victim. Also, merely because there are some other members in the family of the petitioner to look after his mother, it cannot be said that the petitioner should not meet his mother at this hour when she is extremely ill.

Hence, for the reasons aforesaid, the Writ Petition is allowed. The impugned order is quashed and set aside. The Divisional Commissioner is directed to release the petitioner on parole leave within seven days from which the petitioner furnishes the surety, as is required by Rule 6 of the Prisons (Bombay Furlough and Parole) Rules, 1959.

Order accordingly.

JUDGE

JUDGE

sa.hare