

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

CRIMINAL WRIT PETITION NO. 214/2018
 (GOPAL BHAURAOJI TARAR VERSUS THE D.I.G. (P)(E) NAGPUR & ANOTHER)

 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 V.P. Maldhure, A.P.P. for the respondents.

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

DATE : MARCH 15, 2018.

By this writ petition, the petitioner challenges the order of the D.I.G. Prisons, Nagpur, dated 25.11.2017 rejecting the application of the petitioner for furlough leave.

The furlough leave application of the petitioner is rejected on two grounds. It is observed in the impugned order that when the petitioner was released on furlough leave in 2007, 2009, 2012 and 2013, he reported 8 days, 76 days, 167 days and 327 days respectively, after the due date. It is observed in the impugned order that when the petitioner was not found in his house when he did not surrender on due dates, his relatives did not respond to the police.

Shri Ali, the learned counsel for the petitioner, states that the petitioner may be granted an opportunity to mend his ways. It is stated that the petitioner would furnish the surety of his relative and the petitioner would ensure that his relatives respond to the police if a query is made about the petitioner. It is stated that the petitioner would report to the prison on the due date on this occasion if he is released on furlough leave.

Though the petitioner had surrendered belatedly on the four occasions when he was released on parole or furlough leave, the last occasion relates back to five years and an opportunity needs to be granted to the petitioner to change his ways. It would be necessary to release the petitioner on furlough leave on this occasion to consider whether the petitioner would mend his ways. Hence, by relying on the statement made on behalf of the petitioner that the petitioner would report on due date on this occasion, it would be necessary to quash the impugned order.

Hence, for the reasons aforesaid, the writ petition is allowed. The impugned order is quashed and set aside. The D.I.G. Prisons is 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.

Order accordingly.

JUDGE

JUDGE

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