

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

CRIMINAL WRIT PETITION NO.258 OF 2018

[Vijay Anand Thakre .vs. Deputy General Inspector of Prison, Eastern Region, Nagpur Division, 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 S.B. Khobragade, Counsel (Appointed) for the petitioner,
Mrs. Tripathi, APP for the respondents-State.

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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 17.1.2018 rejecting the application of the petitioner for furlough leave.

The furlough leave application of the petitioner is rejected solely on the ground that the petitioner had surrendered belatedly when he was released on parole and furlough leave in the year 2008, 2011 and 2015. According to the DIG Prisons, the petitioner had surrendered 412 days, 721 days and 29 days after the due date when he was released on furlough leave in the year 2008, 2011 and 2015 respectively.

The learned counsel for the petitioner states that since the petitioner had surrendered only 29 days after the due date in the year 2015, an opportunity needs to be granted to the petitioner to mend his ways. It is stated that if this court permits the release of the petitioner on furlough leave on this occasion, the petitioner would ensure that he would return to the prison on the due date.

Since on the previous occasion, the petitioner had surrendered belatedly only by a few days and since the learned

counsel for the petitioner has stated that the petitioner would surrender on the due date if he is released on furlough on this occasion, it would be necessary to grant an opportunity to the petitioner to mend his ways.

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

JUDGE

Gulande