

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

CRIMINAL WRIT PETITION NO.269 OF 2018

[Pralhad s/o Dagduji Kharat .vs. State of Maharashtra and one]

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

Court's or Judge's orders

None for the petitioner.
Mrs. Nandita Tripathi, APP for the respondents.

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

DATED : MARCH 27, 2018.

By this criminal writ petition the petitioner challenges the order of the DIG Prisons, Nagpur, dated 20.1.2018 rejecting the application of the petitioner for furlough leave.

The furlough leave application of the petitioner is rejected solely on the ground that on the previous occasion in the year 2015 when he was released on furlough leave, he had returned to the prison 150 days after the due date.

It would be necessary to grant an opportunity to the petitioner to mend his ways. Nearly three years have lapsed after the petitioner had misconducted himself by returning to the prison belatedly after the due date. It would be necessary to consider releasing the petitioner on this occasion to find out whether the petitioner would surrender on the due date if he is released on furlough leave. If the petitioner persists in committing an offence of not returning to the prison on the due date, the said aspect would be considered when he would apply for parole or furlough leave in future.

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 the date on which the relative of

the petitioner furnishes surety as is required by Rule 6 of the Prisons (Bombay Furlough and Parole) Rules, 1959. Order accordingly.

JUDGE

JUDGE

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