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IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL WRIT PETITION NO. 289/2018

(Gokuldas Rambhau Rangari (In Jail) **VS.** The D.I.G. (Prisons) (E) Nagpur and another)

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

Court's or Judge's order

Mr. Mir Nagman Ali, Advocate for the petitioner
 Ms. N.R.Tripathi, Additional Public Prosecutor for respondents

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.
DATED : 4th April, 2018.

Heard.

By this Writ Petition, the petitioner challenges the order of the Deputy Inspector General of Prisons, Nagpur dated 19.01.2018 rejecting the application of the petitioner for grant of furlough leave.

The furlough leave application of the petitioner was rejected on the ground that when the petitioner was released on parole or furlough leave on three earlier occasions, he had surrendered belatedly. According to the DIG (Prisons), the petitioner has surrendered late by 70-days, 65-days and 226-days when he was released on furlough and/or parole leave in 2007, 2010 and 2011. Also, according to the DIG(Prisons), some of the respected people in the locality had objected to the release of the petitioner on furlough leave.

The learned counsel for the petitioner states that the last time on which the petitioner had surrendered belatedly was 7-years earlier and, therefore, an opportunity needs to be granted to the petitioner to show that he has mend his ways. It is stated that merely because some people in the locality where the petitioner resides have objected to his release on furlough, the furlough leave application of the petitioner cannot be rejected

Ms.Tripathi, the learned Additional Public Prosecutor appearing for the respondents has opposed the prayer made in the Writ Petition. It is stated that the application of the petitioner was rightly rejected, in view of the provisions of Rules 4 (4), 4(6) and 4(10) of the Prisons (Bombay Furlough and Parole) Rules, 1959.

In the circumstances of the case, we are inclined to grant the relief sought by the petitioner. The last occasion on which the petitioner had surrendered belatedly was in the year 2011. More than seven years have lapsed and the petitioner has not been released on furlough or parole leave. The petitioner had already undergone the sentence of imprisonment for nearly 11-years. If that be so, as rightly stated on behalf of the petitioner, an opportunity needs to be granted to the petitioner to point out that he has mend his ways. We do not find any propriety in the observation made in the impugned order that the petitioner should not be released on furlough leave as some of the residents of the locality have objected to his release.

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 security, as is required by Rule 6 of the Rules of 1959.

Order accordingly.

JUDGE

JUDGE

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