

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

**CRIMINAL WRIT PETITION NO. 307/2018**

(NASRULLA KHAN JABAZ KHAN PATHAN (IN JAIL) **VERSUS** D.I.G. (P) (E), NAGPUR & ANOTHER)

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

Shri M.N. Ali, counsel for the petitioner.  
 Mrs. N.R. Tripathi, A.P.P. for the respondents.

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

**DATE : APRIL 24, 2018.**

By this criminal writ petition, the petitioner challenges the order of the D.I.G. Prisons, Nagpur, dated 19.01.2018 rejecting the application of the petitioner for furlough leave.

The furlough leave application of the petitioner is rejected as the petitioner had belatedly surrendered, 116 days after the due date when he was released on furlough in the year 2016.

The learned counsel for the petitioner states that an opportunity may be granted to the petitioner to mend his ways. It is stated that nearly two years have lapsed from the last episode of the belated surrender and if the petitioner is released on this occasion on furlough, he will surrender on due date.

We are inclined to accept the submission made on behalf of the petitioner in respect of grant of an opportunity to the petitioner to change his conduct. The petitioner had surrendered belatedly on the last occasion but nearly two years have lapsed since then. An opportunity needs to be granted to the petitioner to point out to the respondents that the petitioner could surrender on due date if he is released on furlough.

Hence, 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 within seven days from the date on which his relative furnishes surety as is required by Rule 6 of the Prisons (Bombay Furlough and Parole) Rules, 1959.

Order accordingly.

**JUDGE**

**JUDGE**

APTE