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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 2915/2018**

MOHD. TANVIR

..... Petitioner

Represented by: Mr. Deepak Pandey, Advocate
for Ms. Pallavi S. Kansal,
Advocate.

versus

STATE

..... Respondent

Represented by: Mr. Ranbir Singh Kundu, ASC
with Ms. Suman Saharan, Mr.
Murli Manohar and Mr.
Ravinder Kumar, Advocates
with SI Bachhan Singh, PS
Keshav Puram.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

09.10.2018

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1. By this petition, the petitioner seeks setting aside of the order dated 21st August, 2018 whereby the application of the petitioner seeking modification of the order granting first spell of furlough dated 19th July, 2018 was declined.

2. Brief background of the petition is that on 19th July, 2018, the petitioner was granted first spell of furlough for a period of three weeks by the Director General, Prisons on the petitioner furnishing two sureties of ₹10,000 each along with the personal bond in the like amount subject to the satisfaction of Superintendent, Central Jail No. 11, Mandoli, however, thereafter the petitioner filed an application seeking modification of the

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order dated 19th July, 2018 by reduction of the amount of the surety bond which application was rejected on 21st August, 2018. Aggrieved by the order dated 21st August, 2018, the petitioner filed the present writ petition and as per the noting in the writ petition the said petition was prepared and forwarded from the jail on 5th September, 2018.

3. A latest nominal roll of the petitioner has been placed on record by the State which shows that furlough was availed by the petitioner w.e.f. 2nd August, 2018 to 23rd August, 2018 i.e. for a period of three weeks though the nominal roll notes that it was for a period of two weeks.

4. The non-application of mind and the lack of co-ordination inter se the various wings of prison is writ large from the documents on the file. Despite the petitioner having availed furlough on 2nd August, 2018 to 23rd August, 2018 this fact was not brought to the notice of the Director General, Prisons who rejected the application for the modification of the order dated 19th July, 2018 on 21st August, 2018 when admittedly the petitioner was availing furlough from the prison.

5. The lack of co-ordination further continues for the reason after surrender to the jail authorities on 23rd August, 2018 the present petition has been got drafted at the instance of the petitioner by the jail visiting counsel on 5th September, 2018 and forwarded by the Superintendent Jail to this Court after the petitioner has already availed the said furlough.

6. Had any one of the authorities seen that the petitioner has already availed the furlough granted vide order dated 19th July, 2018, there was no need of decision on the application for modification which was rejected vide order dated 21st August, 2018 or even sending the present petition to this

Court for decision.

7. Petition is dismissed.

8. Copy of this order be sent to DG, Prisons to stream line the system so that there is adequate co-ordination between the various wings of the prison and also for communication to the petitioner.

MUKTA GUPTA, J.

OCTOBER 09, 2018

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