

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CRIMINAL WRIT PETITION NO.769 OF 2019

Vijay S/o. Sonu Medhe (C.No. - C/9061)
Central Prison, Nashik Road, Nashik. .. Petitioner

Versus

1. The State of Maharashtra
Through The Dy. Inspector General,
Prison, Aurangabad.
2. The State of Maharashtra,
Through Superintendent Central Prison,
Nashik. .. Respondents.

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Ms. Bhagyashree S. Kamble, Advocate (appointed) for petitioner.
Mr. K. S. Patil, APP for Respondents – State.

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**CORAM :T.V. NALAWADE AND
K.K. SONAWANE ,JJ.**

DATE : 7th JUNE, 2019.

ORAL JUDGMENT :- (PER : T. V. NALAWADE, J.)

Heard. Rule. Rule made returnable forthwith. Heard finally
by consent of parties.

2] The present application is filed challenging the order passed
by the respondents whereby the application for furlough leave filed by
the applicant is rejected.

3] Perusal of record shows that the application has been rejected on the ground that one NC was registered against the petitioner in the year 2018 when the petitioner was released on furlough leave. One more ground appears to be available to the respondents is that the petitioner had turned up to the jail late by 1077 days in the year 2005 when he was released on furlough leave. Record reveals that due to this conduct of the petitioner, reduction of remission order has been passed against him. In the year 2016, he was again released on furlough leave. On that occasion, reduction of remission of 5 days due to the circumstances that he had turned up late by one day, was made. Record further reveals that he has undergone sentence of 8 years and one month. He was released in the past both on furlough and parole right from the year 2005 and no untoward incident was reported against the petitioner. In view of these circumstances, In view of the purpose of granting furlough leave, this court holds that the order made by the respondents is unsustainable in law. Written submission of the Superintendent of Prison shows that, he presumed that aforesaid NC was a criminal case and that case is still pending against him. As it was treated as NC, it needs to be presumed that no case is filed against the petitioner.

4] In the result, petition is allowed. The order of rejection of furlough leave is hereby quashed and set aside. The application for

furlough leave filed by the petitioner is allowed. The applicant be released on usual terms and conditions. The fees of counsel appointed by this court is quantified at Rs. 3,000/-. It is to be paid through the High Court Legal Services Sub Committee, Aurangabad. Rule is made absolute in above terms. Criminal Writ Petition is accordingly disposed of.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

grt/