

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

CRIMINAL WRIT PETITION (CWP) NO. 552 OF 2019

(Sana d/o Aman Khan Pathan (in Jail) Convict No. C-9959, Central Prison, Nagpur vs. The State of Maharashtra thr. Deputy Inspector General of Prisons, Eastern Region, Nagpur & Anr.)

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

Court's or Judge's orders.

Shri Nitesh Samundre, Advocate for the petitioner.
Mrs. N.R. Tripathi, APP for the respondents.

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**CORAM : P.N. DESHMUKH &
PUSHPA V. GANEDIWALA, JJ.
SEPTEMBER 05, 2019.**

Heard Shri Nitin Samundre, learned counsel for the petitioner and Mrs. N.R. Tripathi, learned APP for the respondents.

The rejection of the petitioner's application for furlough leave is challenged in this petition. The petitioner is a life convict for the offence punishable under Section 302 of the Indian Penal Code. Till date, the petitioner has already undergone more than six years of imprisonment. His application for furlough leave dated 19.02.2019 was rejected on 05.07.2019 mainly on the ground of overstay for two days on earlier occasion, while he was on furlough leave.

We have considered the submissions made

on behalf of both the parties and perused the record.

At the outset, the petitioner is otherwise eligible for furlough leave. Admittedly, during the period of six years imprisonment, only once he filed furlough leave application. Merely because the petitioner had overstayed for two days, in our opinion, could not have been sufficient ground to reject his application. It is also not the case of the respondents that he was required to be arrested and brought back to prison.

In the circumstances, we are inclined to allow the present application and accordingly the same is allowed in terms of prayer clause (i) on such terms and conditions as may be found suitable to be imposed on the petitioner, by respondent No. 2.

JUDGE

JUDGE

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