

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 767 OF 2019

(UTTAMRAO AMRUTA GAIKWAD..VS.. STATE OF MAH. THR. D.I.G. (PRISONS) 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 A.Y.Sharma, Advocate (appointed) for Petitioner.

CORAM : Z.A.HAQ AND
M.G.GIRATKAR, JJ.

DATED : NOVEMBER 28, 2019.

Heard.

By order dated 28th February 2019, the petitioner was granted furlough leave and according to the respondents, copy of the order was sent to the office of Tahsildar, Deoli vide letter dated 1st March 2019 and as the surety was not furnished for release of the petitioner on furlough leave, another letter was sent on 10th June 2019 as per Rule 3 of the Maharashtra Prisons (Mumbai Furlough and Parole) (Amendment) Rules, 2018. But still necessary formalities for furnishing the surety for release of the petitioner on furlough leave were not completed.

In this petition, the petitioner has made a grievance that it is not sure whether the copy of the order granting furlough leave was sent to the office of the Tahsildar, Deoli. The stand taken by the petitioner cannot be accepted. There is nothing on record to show that any family member of the petitioner or the person who had undertaken to stand surety of the petitioner had approached the office of the Tahsildar, Deoli and had made inquiry.

We see no reason to exercise extraordinary jurisdiction under Article 226 of the Constitution of India and issue directions to the respondent to furnish all the necessary details after making a rowing inquiry in the matter.

Hence, the petition is **dismissed**. No costs.

The petitioner will be at liberty to apply for furlough leave afresh and if such application is received, it be decided as per the Rules.

Fees of Shri A.Y. Sharma, Advocate appointed to represent the petitioner be paid as per the Rules.

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