

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

CRIMINAL WRIT PETITION NO. 936 OF 2018

Mohd. Afzal Samshoddin Moos

..VS..

Deputy General Inspector of Prison, Eastern Region, Nagpur

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

Court's or Judge's orders

Shri S.D. Chande, Advocate with
Shri Raju Kadu, Advocate for the petitioner.
Mrs. N.R. Tripathi, A.P.P. for respondent Nos. 1 & 2 / State

CORAM : Z.A. HAQ AND
PUSHPA V. GANEDIWALA, JJ.

DATED : 20th SEPTEMBER, 2019

This petition challenges the order of rejection of furlough leave on the ground of his previous conduct of unauthorized overstay for a period around 1544 days.

We have considered the submissions on behalf of the both the parties.

Undisputedly, when the petitioner was granted furlough and parole leave during the period from 2005 to 2010, each time he surrendered late. His maximum period of delay is 1544 days, when he was lastly released on parole leave on 05/01/2010.

Learned Counsel for the petitioner relied on the order of this Court dated 16/02/2018 wherein the petitioner was granted liberty to file such application after undergoing imprisonment for a period of 1544 days from 28/06/2014 and directed that thereafter, the said application shall be considered in accordance with law.

Rule 4 of the Prisons (Bombay Furlough and

Parole) Rules, 1959, came to be amended by notification dated 16/04/2018 wherein as per Rule 4(10), the prisoners who commit default in surrendering late after release on furlough or parole leave, are not eligible for furlough leave.

In that view of the matter, we do not find any infirmity in the impugned order. Thus, we are inclined to reject the petition and the same is accordingly rejected.

JUDGE

JUDGE

D.S.Baldwa