

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

921. CRIMINAL WRIT PETITION No. 572 of 2020

Mandodari W/o Kundalik Pandhere
(Vishwanath S/o Kundalik Pandhere,
confined in Central Jail, Aurangabad
as Convict No. 9172)
age 70 years occupation private job
R/o Malshi post Shivgaon Khodki Dist. Hingoli.

...Petitioner

VERSUS

1. The State of Maharashtra
Through : The D.I.G. - Prisons,
Aurangabad
2. The State of Maharashtra
Through the Superintendent,
Central Jail, Aurangabad.

...Respondents

Mr Rupesh A. Jaiswal, Advocate for petitioner

Mr M.M. Nerlikar, Addl. Public prosecutor for the Respts./State

CORAM : T.V. NALAWADE &

SHRIKANT D. KULKARNI, JJ.

DATE : 30th June, 2020

J U D G M E N T (Per : T.V. NALAWADE, J.)

1. Rule. Rule made returnable forthwith.

2. By consent, heard both the sides for final disposal.

3. This proceeding is filed by the mother of the prisoner to challenge the order made by the respondents, dated 18th May 2020. The respondents have rejected the application made for furlough leave by giving reason that there is adverse police report showing the objection taken by the witnesses and some persons of the village where the petitioner was living. He has been behind the bars for more than four years and he has become eligible to get the furlough leave.

4. Considering the object behind the scheme of furlough leave and the fact that this will be the first time when the prisoner will be coming out of prison, the Prison Authority ought to have granted the furlough leave. Opportunity needs to be given to the prisoner to prove that he has improved himself and he is no more danger to the society. The witnesses are bound to take objection to such release but when the criminal matter is over, the benefit of the scheme cannot be denied on such a ground. So, the following order.

O R D E R

The petition is allowed. Order made by the respondents,

dated 18th May 2020, is quashed and set aside. The application made for furlough leave stands allowed. He is to be released on furlough leave on usual terms and conditions and that is to be done within 15 (fifteen) days from today. Rule made absolute in those terms.

(SHRIKANT D. KULKARNI)
JUDGE

(T.V. NALAWADE)
JUDGE

Madkar