

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

CRIMINAL WRIT PETITION NO.466 OF 2020

Mohd. Afzal Shamshoddin,
aged adult, r/o Shivaji Ward,
Taluq Pusad, District Yavatmal
(presently at Central Prison,
Amravati – C-2510).

... Petitioner

- Versus -

- 1) The Superintendent, Central
Prison, Amravati.
- 2) The Dy. Inspector General of
Prisons (Eastern Region), Nagpur.

... Respondents

Shri D.S. Lambat, Advocate for petitioner.

Ms. N.P. Mehta, Additional Public Prosecutor for respondents.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : DECEMBER 1, 2020

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

Rule. Rule is made returnable forthwith. Heard finally
by consent of learned Counsel for the parties.

2) It is not in dispute that the petitioner is a prisoner, who has formed habit of surrendering late before Jail Authorities after being released on furlough. This is writ large from the impugned order. What is stated in the impugned order is also not in dispute in any way from the side of the petitioner. In the year 2013-14, after having been released on furlough, the petitioner had surrendered quite belatedly before the Jail Authorities and the delay was a whopping period of 1544 days. There is nothing available on record from which it could be said that after 2014, the petitioner has improved himself and is now a reformed and obedient prisoner, who would not misuse the temporary liberty granted to him. There is no doubt about the fact that this Court in Criminal Writ Petition No.582/2019 granted relief to the petitioner vide its judgment dated 26/9/2019 when this Court directed the Jail Authorities to release the petitioner on parole for a period of 30 days on suitable conditions. It is not known if the petitioner had surrendered himself before the Jail Authorities within the period prescribed in the judgment dated 26/9/2019. If the petitioner had made any specific averments in this regard, perhaps there would have been scope for this Court to find that now the petitioner is an improved version of his past character. That is not the case here.

3) In the circumstances, we are not inclined to allow the petition. The petition stands dismissed. Rule is discharged. No order as to costs.

JUDGE

JUDGE

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