

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

CRIMINAL WRIT PETN. NO. 360 OF 2020

PETITIONER :- Kashinath Barku Chavhan,
Presently at Central Prison, Amravati,
Convicted Prisoner No. C-2972).

...VERSUS...

RESPONDENTS :-

1. The State of Maharashtra, Through Secretary, Home Department (Prison), Mantralaya, Mumbai-32.
2. Special Inspector General (Prison), Eastern Region, Wardha Road, Nagpur.
3. Deputy Inspector General (Prison), Eastern Region, Nagpur.
4. Superintendent of Police, Washim.
5. Superintendent of Jail, Central Prison, Amravati.

Mr. N.M.Kolhe, Advocate for the petitioner.
Ms N.R.Tripathi, A.P. P. for the respondents.

CORAM : Z.A.HAQ AND AMIT B. BORKAR, JJ.

DATED : 20.04.2021.

ORAL JUDGMENT : (Per : Amit B. Borkar, J.)

1. Heard.

2. **Rule.** Rule made returnable forthwith.

3. By this writ petition under Articles 226 and 227 of the Constitution of India, the petitioner has challenged order dated 30/06/2020 passed by respondent No.2 rejecting furlough leave application of the petitioner. The petitioner has been convicted for offences punishable under section 302 of the Indian Penal Code and is sentenced to suffer imprisonment for life. The petitioner has completed 14 years of imprisonment and presently he has been lodged in the Amravati Central Prison.

4. The petitioner on 25/01/2020 applied for grant of furlough leave by application No.588 of 2019. The respondent No.2, by order dated 03/06/2020, has rejected the furlough leave of the petitioner mainly on the ground that the petitioner had not surrendered himself on due date and was brought to prison late by 512 days by Police.

5. The petitioner has therefore filed present petition challenging order dated 03/06/2020. The petitioner in paragraph-5 of his petition stated that he has filed Criminal Writ Petition No.734 of 2017 and this Court had allowed the application for grant of furlough leave by order dated 12/02/2018.

6. We have carefully considered the impugned order. On scrutiny of the impugned order, it appears that the petitioner had not surrendered on due date and was brought to prison late by 512 days, way back in the year 2011. The period of almost 10 years has elapsed after the petitioner surrendered late.

7. The object of furlough rules is to humanise penal system and to enable the prisoner to maintain continuity with his family life and to deal with the family matters and to save him from evil effects of continuous jail life and to enable him to gain self-confidence and to maintain constructive hopes and active interest in life.

8. Earlier, this Court by order dated 12/02/2018 in Criminal Writ Petition No.734 of 2018 had directed release of the petitioner on parole leave. Therefore, one more chance needs to be given to the petitioner so that the petitioner shall have opportunity to meet his family and relatives.

9. We, therefore, pass following order.

- i. The impugned order dated 03/06/2020 passed by respondent No.2 is quashed and set aside.
- ii. The respondent No.2 is directed to grant furlough leave

application of the petitioner upon such terms and conditions as may be imposed by respondent No.2, including condition to secure the presence of the petitioner before expiry of his leave period.

- iii) It is made clear that in case the petitioner surrenders late after due date, the petitioner shall not be entitled for furlough leave in future.

- 10. Rule is made absolute in the above terms.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J)