

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

CRIMINAL WRIT PETITION NO.596 OF 2021

Sumit alias Pandya alias Sumedh
Mahadeo Meshram,
Aged about 24 years,
R/o Parva, Post Talegaon (Bhari),
Tah. & Dist. Yavatmal.
(C/5778, Central Prison, Amravati).

.....PETITIONER

...V E R S U S...

1. Deputy Inspector General of
Prison (East Region), Nagpur.

2. The Superintendent of Jail,
Central Prison, Amravati.

....RESPONDENTS

Shri S.D. Chande, Advocate for petitioner.
Ms N.R. Tripathi, A.P.P. for respondents.

CORAM:- M.S. SONAK AND PUSHPA V. GANEDIWALA, JJ.
DATE :- 18^h NOVEMBER, 2021

P. C.

Rule. Rule is made returnable forthwith. Heard finally
with consent of learned counsel for both the parties.

2. By this writ petition under Articles 226 and 227 of the
Constitution of India, the petitioner is challenging the order dated
16.06.2021 passed by the respondent no. 1 refusing to release the
petitioner on furlough leave of 21 days.

3. The petitioner is convicted for the offence punishable under Section 302 of the Indian Penal Code and is undergoing imprisonment for life. The petitioner on 21.04.2021 applied for grant of furlough leave of 21 days on the ground that he wanted to meet his family and to spend time with them. The respondent no. 1 – Authority called for report from the Superintendent of Police, Yavatmal and based on the said report rejected the furlough leave application of the petitioner. The petitioner has therefore filed the present writ petition challenging the order impugned order.

4. The learned counsel for the petitioner submits that co-convict, who is convicted along with present petitioner for the offence of murder, has been released on furlough leave by this Court vide judgment and order dated 20.09.2019 in Criminal Writ Petition No.578 of 2021.

5. We have perused the aforesaid judgment and record of this Court. We are satisfied that case of the petitioner is similarly situated with the case of the petitioner in aforesaid writ petition. Perusal of the impugned order dated 16.06.2021 has not referred to any material on the basis of which the apprehension of

breach of peace and tranquility and threat to lives of witnesses could have been expressed by the respondent no.1.

6. We do not see any good reason to reject the furlough leave to the petitioner. In any case his eligibility for grant of furlough leave is otherwise not disputed. In this view of the matter, we pass the following order:

ORDER

- i. The impugned order dated 16.06.2021 passed by the respondent no. 1 rejecting furlough leave application of the petitioner is quashed and set aside.
- ii. The respondent no. 1 is directed to grant furlough leave of 21 days to the petitioner in accordance with his eligibility upon suitable conditions consistent with the Prisons (Bombay Furlough and Parole) Rules, 1959 within a period of one week from the date of production of this order.

Rule is made absolute in the above terms. Pending application(s), if any, stand(s) disposed of.

(Pushpa V. Ganediwala, J.)

Wagh

(M.S. Sonak, J.)

Digitally signed by: SURESH
RAOSAHEB WAGH
Signing Date: 20.11.2021
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