

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

CRIMINAL WRIT PETITION NO. 14/2021

PETITIONER : Nitin Nandkishor Guddhe, aged about 31 years,
C-4394, detained in Central Prison, Amravati,
Distt. Amravati (PRESENTLY IN JAIL)

...VERSUS...

RESPONDENTS: 1. The State of Maharashtra, through Deputy
Inspector of Prison (Eastern Region),
Nagpur.

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

Ms. Radha Mishra, Advocate for petitioner
Shri N.R.Patil, APP for respondent nos.1 and 2

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

DATE : 03/02/2021.

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

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

2] No doubt, the petitioner has overstayed after his release
on furlough in the year 2015 for about 27 days. This was the reason
why the furlough application of the petitioner has been rejected by
the impugned order. The impugned order, however, does not

consider the subsequent event which took place after one mistake committed by the petitioner in the year 2015.

3] This Court by the order passed on 15.04.2019 in Criminal Writ Petition No. 789 of 2018 had taken due note of such overstay of the petitioner and had observed that the mistake had occurred in the year 2015 and therefore, the petitioner was required to be given one more chance considering the newly spelt out objectives for parole and furlough leaves, which are for offering correctional services to the convicts.

4] In compliance with this order, the petitioner was granted furlough leave and was released on 01.06.2019. The petitioner was to surrender before the Jail authority on 30.06.2019 and the petitioner, this time, did surrender himself on the due date. Thus, the faith reposed by this Court in the petitioner was not proved wrong by the petitioner. Therefore, we are of the view that the impugned order not taking the subsequent event appropriately cannot be sustained in the eyes of law.

5] In the result, the petition is allowed. The respondents are directed to release the petitioner on furlough leave as per his entitlement and on such conditions as could be suitably imposed upon him in accordance with law, within a period of two weeks from the date of the order.

6] The legal remuneration of Rs.2,500/- (Rupees Two Thousand Five Hundred) be paid to the learned appointed counsel.

7] Rule discharged.

JUDGE

JUDGE