



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

CRIMINAL WRIT PETITION NO. 482 OF 2023

Sumit Brijbihari Giri

..VS..

Deputy Inspector General Prison, Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Ratna Singh, Advocate for petitioner.

Ms. N.R. Tripathi, APP for respondents.

CORAM : NITIN W. SAMBRE AND VALMIKI SA MENEZES, JJ.

DATED : 13th SEPTEMBER, 2023

1. Heard.
2. We have perused the order dated 02.11.2022 passed by the Deputy Inspector General of Prison, East Division, Nagpur.
3. By the aforesaid order, in exercise of powers under the Provisions of Rule 2 and 3 of the Prisons (Bombay Furlough and Parole) Rules, 1959, the petitioner was released on furlough for a period of 28 days.
4. It is the contention of the learned counsel for the petitioner that the petitioner thereafter availed the benefit of furlough pursuant to the aforesaid order and surrendered well within time. She has claimed that petitioner has already completed six months of actual imprisonment subsequent to his surrender and as such, he is qualified to avail the benefit of furlough pursuant to the provisions of Rule 3(A)(2) of the Prisons (Bombay Furlough and Parole) Rules, 1959.
5. The learned APP submits that the conduct of the petitioner is not good in the jail, as he is not discharging his regular duties. It is further claimed that in view of adverse police report, the prayer for released was rejected.

6. We appreciated the submissions.
7. After the petitioner was released on 02.11.2022, he has surrendered to the Jail Authority well within time. Our attention is also invited to the fact that the petitioner is assigning tailoring work and a certificate issued by the Prison Officer speaks of his conduct being satisfied.
8. In view of above, the impugned order cannot be sustained.
9. That being so, the petition stands allowed. The impugned order dated 07.06.2023 is quashed and set aside. We direct the applicant be released on furlough for a period of 28 days.
10. The petition is disposed of. No costs.

(VALMIKI SA MENEZES, J.)

(NITIN W. SAMBRE, J.)

Kirtak