

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2595 OF 2024

Pratap s/o Tukaram Godse	]	..	Petitioner
vs.			
State of Maharashtra & Ors.	]	..	Respondents

Mr.Rupesh Jaiswal for the Petitioner.

Ms.Sharmila Kaushik, APP for the State.

Ms.Suvarna Chorge,Jailor Gr. II, Nashik Jail present.

**CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ**

DATE : 15th JULY, 2024.

P.C.

1] Since we had expressed our displeasure in the manner in which the Applications of convicts, who are housed in different Jails are considered, particularly in a scenario where the convict is found to have surrendered belatedly, on availing either the Parole or Furlough leave by projecting a bar created under Rule 4 (10) of the Prison Rules, we specifically pointed out to Mr. Venegavkar, the learned Public Prosecutor that following the Full Bench of the Gujarat High Court in case of Bhikhabhai Devshi vs. State of Gujarat & Ors., this Court has time and again adopted a consistent view that there cannot be a complete embargo in releasing a prisoner/convict on Parole or Furlough, attributing to his past conduct of reporting to the prison at a belated stage.

2] On the last day of hearing, Mr.Venegavkar has assured to us that an appropriate decision shall be taken by consulting all those who are involved in the process of grant of parole/furlough leave and accordingly Ms.Sharmila Kaushik has placed before us the communication issued by the Special DIG Prisons and Reformation, Maharashtra State, Pune on 12.07.2024, apprising all the Divisional Commissioners of all the Divisions as well as the Special Inspector General', within whose jurisdiction the different prisons would fall, for adhering to the decisions of this Court, while interpreting Rule 4(10) of The Prisons (Bombay Furlough and Parole) Rules, 1959.

3] We can only hope and trust that every functionary or an Authority who is empowered to take such a decision and is involved in the process of releasing a prisoner/convict on Parole/Furlough, would keep the law laid down by this Court in mind, and decide the applications accordingly.

4] As far as the present case is concerned, the learned APP inform that since the Court had directed his release on furlough leave, since certain compliances are contemplated and once they are ensured, he shall be released on furlough.

With the above directions, Writ Petition stand disposed off.

[MANJUSHA DESHPANDE,J]

[BHARATI DANGRE, J]