

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL WRIT PETITION NO.3464 OF 2024**

Kamlesh Sitaram Nimbarte

.. Petitioner

Versus

The Deputy Inspector General (Prisons)  
(West), Pune and ors

.. Respondents

...

Mr.Mir Nagman Ali for the petitioner.

Ms.M.M. Deshmukh, APP for the State.

**CORAM: BHARATI DANGRE &**  
**MANJUSHA DESHPANDE, JJ.**  
**DATED : 2<sup>nd</sup> SEPTEMBER, 2024**

**P.C:-**

1            Learned APP Ms. Deshmukh make two fold grievance, first being that instead of filing an appeal, being aggrieved by the order dated 6/10/2023, the petitioner has approached this Court directly. Her second objection is that the petitioner has not filed an affidavit indicating that, he has sureties to offer, in case if he is directed to be released on furlough leave.

2            Perusal of the impugned order would reveal that taking into consideration his late reporting on the earlier occasions, when he was released on furlough/parole, by invoking Rule 4 (10), the request is rejected. We have consistently held that Rule 4 (10) of The Prisons (Bombay Furlough and Parole) Rules, 1959, shall not operate as a complete embargo.

The record of the petitioner would reveal that, while he was released in the year 2014, he reported late by one day, and in 2016, he reported late by 85 days, for which offence under Section 224 was registered against him and in addition he was subjected to penalty of reduction of remission of 425 days.

On the third occasion, i.e. on being released in 2019, when he was released on furlough, he reported late by 96 days, and for 3 years, his name was removed from remission register by way of penalty.

Since, the petitioner is already being subjected to punishment on reporting late, according to us Rule 4 (10) shall not debar the authorities from considering his case for being released on furlough or parole.

We expect the respondent authorities to respond positively, subject to the necessary compliance being assured by the petitioner.

Re-notify on 20/09/2024.

We expect the DIG to reconsider the import of this order or else the Court would be constrained to set it aside.

**(MANJUSHA DESHPANDE,J)**

**(BHARATI DANGRE, J.)**