



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

CRIMINAL WRIT PETITION NO. 614 of 2024

Suresh Narsayya Deshwani (C-5945)

vs.

Deputy Inspector General Prison (East Region), Nagpur and another.

Ms Ratna Singh, Advocate for petitioner.

Ms Nandita Tripathi, Additional Public Prosecutor for respondents.

CORAM :- NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 4th DECEMBER, 2024

P. C.

Heard.

2. The petitioner was convicted for the offences punishable under Sections 302 and 120B of the Indian Penal Code, under Sections 3(1), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 and under Section 25(4) of the Arms Act, 1959. As on 19.06.2024 the petitioner has undergone imprisonment of six years seven months and six days. The petitioner was sentenced to suffer life imprisonment.

3. The petitioner's prayer for grant of furlough is rejected by the respondent no.1 on the ground that he is likely to abscond in case if he is released. Apart from above, it is claimed that the police report is adverse and that being so, his prayer was rejected.

4. As far as both the reasons which are sought to be relied on so as to justify the order impugned are not at all substantiated by any material which is placed on record.

5. The fact remains that the petitioner has not even opted for furlough which was in fact recommended to him during the COVID period. Apart from above, the police report speaks of availability of surety so as to support the case of the petitioner for grant of furlough.

6. That being so, the impugned order dated 19.06.2024 is quashed and set aside.

We direct the respondents to admit the petitioner on furlough upon compliance of the usual terms and conditions.

7. The criminal writ petition stands allowed in above terms.

(VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.