



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

CRIMINAL WRIT PETITION NO. 764 OF 2023

Lakhan Padam Devkar (C-5394)
Aged about 40 years, Occ.: NA,
R/o. Shivaji Nagar, P.O. Thane,
Distt. Thane.

}

... Petitioner

Versus

1. Special Police Inspector
General (Prison)
East Region, Nagpur.
2. Superintendent of Jail,
Central Prison, Amravati.

}

... Respondents

Mrs. Ratna Singh, Advocate for petitioner.

Ms. Nandita Tripathi, APP for respondent Nos.1 & 2.

CORAM : VINAY JOSHI, AND
SMT. VRUSHALI V. JOSHI, JJ.
DATE : 24.01.2024

ORAL JUDGMENT: (PER: Vinay Joshi,J)

Rule. Rule made returnable forthwith. Heard finally
by consent of both the learned counsel for the parties.

(2) The petitioner has applied for grant of furlough leave, however, vide impugned order dated 11.09.2023, it has been rejected. The reason for rejection is that while the petitioner was earlier released on special COVID parole leave in 2021, he surrendered

late by 26 days. Besides that no other reason has been canvassed for rejection. Perhaps the rejection is on account of Rule 4(10) of the Prisons (Bombay Furlough and Parole) Rules, 1959.

(3) The petitioner has been in jail for five years and five months, this was only a lapse pointed out by the authority. Moreover, it is submitted that while prisoners were released on Covid Parole leave, no specific date of return was intimated. Having regard to all the above facts, we see no justification in rejection, hence, the following order : -

ORDER

(i) Criminal petition is allowed and disposed of.

(ii) We hereby direct the respondent to pass appropriate order of releasing the petitioner on furlough leave by imposing necessary conditions as the authority may deem fit.

(iii) Necessary order be passed within four weeks from today.

[VRUSHALI V. JOSHI, J.]

[VINAY JOSHI, J.]

Prity