



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

CRIMINAL WRIT PETITION NO. 873 OF 2023

Ajit Jagdish Nair (C-5851)
Aged about 36 years,
Occ.: NA, R/o Lohgaon,
Pune

}

... Applicant

Versus

1. Special Police Inspector General
Prison (East Region), Nagpur

2. Superintendent of Jail,
Central Prison, Amravati.

}

... Non-applicants

Mrs. Ratna Singh, Advocate for applicant.

Mrs. Nandita Tripathi, APP for non-applicant Nos.1 & 2.

CORAM : VINAY JOSHI, AND
SMT. VRUSHALI V. JOSHI, JJ.
DATE : 30.01.2024

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 seeks to quash impugned communication dated 07.10.2023, by which, furlough leave has been rejected on account of late surrender.

(3) The State resisted the petition by filing reply. It is stated that when the petitioner was released on special furlough leave on account of the Covid-19 pandemic situation, he surrendered late by 20 days. Besides that, no other ground has been canvassed.

(4) The petitioner has been in jail for last eleven years and seven months. The petitioner was earlier released on furlough/parole, however, there is no complaint about late surrender except release on parole Covid-19 pandemic situation. It is stated that while releasing the petitioner on special Covid-19 parole leave, no specific date of return was given. Moreover, we have taken a note that after 20 days, the petitioner on a call of police went to Police Station and was then, taken into custody. Having regard to the past conduct, the denial is fully unjustifiable.

(5) In view of that, the petition is allowed. We hereby quash and set aside the impugned communicated dated 07.10.2023. We direct the authority to pass an appropriate order for the grant of furlough leave as permissible under law on necessary conditions which authority may deem fit.

(6) Necessary order shall be passed within four weeks from the date of receipt of communication.

(7) The petition stands disposed of in above terms.

[VRUSHALI V. JOSHI, J.]

[VINAY JOSHI, J.]

Prity