



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

CRIMINAL WRIT PETITION NO.943 OF 2024

Akshay Santosh Maskar (C-867), Tah. Ghatanji, Dist. Yavatmal

-VS-

Divisional Commissioner, Amravati and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Ms Ratna Singh, Advocate for petitioner.

Smt N. R. Tripathi, Additional Public Prosecutor for respondents.

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

DATE : February 05, 2025

1. In view of Rule 6 of the Prisons Rules since the petitioner is confined to open prison, his claim for prison leave cannot be rejected on the ground of failure to furnish surety.
2. Apart from above it is settled position of law that even though the applicant has not completed the waiting period of one and half year since, for the reason germane to the cause, he can always approach the Court/authority for seeking prison leave.
3. That being so, the order impugned dated 10/10/2024 is hereby quashed and set aside with directions to the respondents to grant prison leave to the petitioner in accordance with the Rules.
4. Let the order granting prison leave be communicated to the petitioner within a period of two weeks from today.
5. Writ petition is allowed and disposed of accordingly.

(Mrs Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)