



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

CRIMINAL WRIT PETITION NO.981 OF 2024

Satish Yadavrao Dhoke (in Jail)

.Vs.

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

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr. Raju Kadu, Advocate for the petitioner.

Mr. M.K. Pathan, APP for respondent Nos.1 and 2/ State.

CORAM : NITIN W. SAMBRE AND

MRS. VRUSHALI V. JOSHI, JJ.

DATE : 21.04.2025

1. The substantive sentence has already been undergone by the petitioner as informed by Mr. M.K. Pathan, learned APP appearing for the respondents. What is now remaining to be undergone by the petitioner is the default sentence of three years for his failure to deposit fine of Rs.5,00,000/- (Rupees Five Lakhs Only) which was saddled under the provisions of the Maharashtra Control Organized Crime Act, 1999 (for short, 'MCOC Act').

2. In such an eventuality, we have to consider the provisions of sub-rule 12 of rule 4 of the Prisons (Bombay Furlough and Parole) Rules, 1959, which reads thus:-

“(12) Prisoners who are considered dangerous or have been involved in serious prison violence like assault, outbreak, riot, mutiny or

escape, or who have been found to be instigating the serious violation of prison discipline, smuggling of narcotic and psychotropic substances including convicted under Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), rape or rape with murder, attempt to rape wife murder and foreigner prisoners (Prisoners may be eligible for furlough after completion of stipulated sentence in the respective section.)

3. The petitioner was convicted for substantive offence of rape and also the provisions of MCOC Act were invoked against him.

4. The fact remains that the said rule contemplates that prisoners will be eligible for furlough after completion of stipulated sentence in the respective section, which in this case is 22 years and the petitioner has already undergone the said sentence. That being so, if we need to interpret the rule and take it to the logical end, it is necessary to infer that once the prisoner has undergone the stipulated sentence as provided under the respective section, apart from the payment of fine or imprisonment to be undergone in default of payment of fine, the prisoner or the convict can be said to be entitled for the benefit of the said provision.

5. That being so, the petition is allowed.

6. The impugned order dated 24.05.2024 passed by respondent No.1 is hereby quashed and set aside.

7. It is directed that the petitioner be released on furlough.

8. In view of the judgment of the Hon'ble Apex Court in the case of *State of Harayana and ors. Vs. Jagdish* reported at *AIR 2010 SC 1690* it shall be open for the respondents to impose appropriate conditions on the petitioner while releasing him on furlough.

9. Criminal Writ Petition stands disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J)

(NITIN W. SAMBRE, J.)