

(2013) 09 BOM CK 0176

In the Bombay High Court

Case No : Criminal Writ Petition No. 540 of 2013

Maroti Namdeorao Shrirame

APPELLANT

Vs

The D.I.G. Prisons (E) (R)

RESPONDENT

Date of Decision : 17-09-2013

Acts Referred:

Citation : (2014) ALLMR(Cri) 1828

Hon'ble Judges : Z.A. Haq, J;B.R. Gavai, J

Bench : Division Bench

Final Decision : Allowed

Judgement

B.R. Gavai, J.—Rule. Rule is made returnable forthwith and heard finally with the consent of Ms. Bhatia, learned counsel for the petitioner and Ms. Tiwari, learned APP for the respondents. The petitioner has approached this Court being aggrieved by rejection of his application for furlough leave. The application is rejected on the ground that on earlier occasion, the petitioner has surrendered beyond the prescribed period.

2. Insofar as the delay in surrender is concerned, the Division Bench of this Court has taken a view that the authorities can always take action for delay in surrender in accordance with the Rules and impose penalty. On neither occasions, the petitioner was required to be arrested by the police to bring him back in the prison. On all the occasions he returned back himself.

3. Another ground on which the application is rejected is that there is likelihood of breach of peace if the petitioner is released on furlough leave. However, the respondent-authorities have simply made this statement but they have not given any details to fortify their contention. Hence, we find that said apprehension is without any basis.

4. In that view of the matter, we are inclined to allow the petition. The petitioner is directed to be released on furlough leave for a period of 14 days. However, it is made clear that the petitioner shall surrender on the prescribed date. The fees

payable to the learned counsel, who was appointed to appear on behalf of the petitioner, are quantified at Rs. 1,000/- (Rs. One thousand only).