

(2013) 10 BOM CK 0259
In the Bombay High Court
Case No : Writ Petition No. 546 of 2013

Nilesh Mahadeo Kawre

APPELLANT

Vs

D.I.G. Prison (Eastern Region)

RESPONDENT

Date of Decision : 15-10-2013

Acts Referred:

Citation : (2014) ALLMR(Cri) 1715

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

Bench : Division Bench

Final Decision : Allowed

Judgement

B.R. Gavai, J.—Rule. The rule is made returnable forthwith. Heard finally by consent of learned Counsel for the parties. The petitioner challenges the order dated 30/5/2013 passed by the respondent No. 1 rejecting application of the petitioner for furlough.

2. The application of the petitioner for furlough is rejected on two grounds - firstly, none of the close relatives of the petitioner is suffering from major ailment and secondly, other convicts in the same crime are already released on furlough and if the petitioner is released on furlough, there is a possibility of all the convicts in the same crime committing some other crime.

3. Insofar as first ground is concerned, question regarding major ailment or otherwise is relevant insofar as grant of parole is concerned. Grant of furlough is a right, which accrues on completion of particular period of imprisonment. As such, the said ground is without substance. Insofar as second ground is concerned, learned Counsel for the petitioner makes a categorical statement that other convicts in the same crime have already surrendered to prison. As such, rejection of the application of the petitioner on such ground is untenable.

4. In that view of the matter, the criminal writ petition is allowed. The respondents are directed to release the petitioner on furlough for a period of two weeks. The rule is made absolute in the above terms. No order as to costs.