
(2013) 09 BOM CK 0214

In the Bombay High Court

Case No : Criminal Writ Petition No. 493 of 2013

Pratap Kashinath Chavan

APPELLANT

Vs

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

RESPONDENT

Date of Decision : 10-09-2013

Acts Referred:

Citation : (2014) ALLMR(Cri) 1755

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

Bench : Division Bench

Final Decision : Allowed

Judgement

Z.A. Haq, J.—Heard Ms. Bhatia, learned Advocate for the petitioner and Mr. Pathan, learned Additional Public Prosecutor for the respondents. Rule. Rule is made returnable forthwith.

2. The petitioner has challenged the order passed by the Deputy Inspector General (Prisons), Nagpur, rejecting the application filed by the petitioner for grant of furlough. The reason given in the impugned order is that on earlier occasions, the petitioner had not surrendered on time and there was delay of few days in surrendering after availing the parole and furlough leave by the petitioner. It is to be noted that on every occasion though there is delay of few days in surrendering, the petitioner had surrendered himself. The petitioner has tried to justify the delay.

3. Responding to the notice issued by this Court, respondent No. 1 has filed affidavit and has tried to justify the impugned order. In addition to the reason given in the impugned order, it is stated that if the petitioner is released on furlough, there is every possibility of breach of law and order and tranquility in the village. The apprehension of breach of law and order and tranquility as stated in the affidavit filed by respondent No. 1 is vague and is not supported by any justified reason.

4. Looking to the earlier conduct of the petitioner, we are inclined to allow the

petition. The impugned order is set aside. The respondents are directed to release the petitioner on furlough for two weeks. The writ petition is disposed of with no order as to costs. Fees payable to the learned Advocate appointed for the petitioner are quantified at Rs. 1000/-.