
(2013) 10 BOM CK 0180

In the Bombay High Court

Case No : Criminal Writ Petition No. 550 of 2013

Umesh Ramesh Tiwari

APPELLANT

Vs

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

RESPONDENT

Date of Decision : 15-10-2013

Acts Referred:

Citation : (2014) ALLMR(Cri) 1803

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

Bench : Division Bench

Final Decision : Allowed

Judgement

B.R. Gavai, J.—Heard Ms. Inamdar, 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 approached this Court for grant of furlough. The petitioner has approached this Court on the grievance that though he had applied for furlough leave, his application has not been decided by the Competent Authority.

3. Learned Additional Public Prosecutor for the respondents states that during the pendency of this petition, his application has been decided and rejected.

4. Perusal of the impugned order would reveal that the application of the petitioner is rejected on two grounds viz., (1) that he has surrendered late beyond the due date and (2) if he is released on furlough, there is every possibility of violating law and order situation in the vicinity.

5. Insofar as the first ground is concerned, it is not as if the petitioner was required to be arrested and to be brought back to the prison. In view of this, the first ground is unsustainable.

Insofar as the second ground is concerned as the occasions of Ganesh festival, Hanuman Jayanti and Buddha Jayanti, these are all over long back and as such rejection on that ground is also unsustainable.

In that view of the matter, Rule is made absolute by directing the respondents to release the petitioner on furlough for a period of two weeks on petitioner supplying competent surety. Fees payable to the learned Advocate for the petitioner are quantified at Rs. 1000/-.