



Judgment

cwp346.25

1

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

CRIMINAL WRIT PETITION No. 346 OF 2025.

Shankar s/o Govindrao Landge,
Aged about 38 years, C-8019
(Presently at Central Prison,
Nagpur)

...

PETITIONER.

VERSUS

1.The Superintendent,
Central Prison, Nagpur.

2.D.I.G. Prison,
Nagpur.

...

RESPONDENTS.

Mr.A.S. Band, Advocate for the Petitioner.
Ms S. Thakur, A.P.P. for Respondents.

CORAM : ANIL L. PANSARE AND
M. M. NERLIKAR, JJ

DATE : JULY 25, 2025.

ORAL JUDGMENT (Per M.M. Nerlikar, J.) :

Heard. Rule. Rule is made returnable forthwith, and by
consent of learned Counsel present for the parties, the matter is taken

Rgd.

up for final disposal.

2. The present petition takes an exception to the order dated 22.03.2025 passed by the respondent no.2, where under the application of the petitioner for grant of furlough leave came to be rejected.

3. The petitioner is convicted by the Ad-hoc Additional Sessions Judge, Wardha by judgment and order dated 22.02.2010 and is sentenced to suffer life imprisonment. Presently the petitioner is languishing in central prison at Nagpur.

4. The learned Counsel for the petitioner submits that though the petitioner has overstayed for some days from the year 2010, the same cannot be a ground to reject his request for grant of furlough leave. He further submits that from 18.11.2014, the petitioner is behind the bar and was never released by the jail authorities. He has undergone sufficient period of his sentence, and therefore, merely because he overstayed on some prior occasions i.e.

before 11 years, the Authority concern ought not to have rejected his application for grant of furlough on the said ground.

5. On the other hand, the learned A.P.P. appearing for the respondents vehemently opposed the petition by submitting that the petitioner is undergoing life imprisonment for the offence punishable under Section 302 of the Indian Penal Code. She further submits that in the year 2010 the petitioner overstayed for 18 days; in the year 2013 he overstayed for 265 days; in the year 2011 for 88 days and in the year 2014 he was late by 56 days. She has placed reliance on the notification dated 02.12.2024, particularly Rule 4[d][ii] (४ [ड] [दोन]), under which the prayer of the petitioner was turned down. The said clause reads as under :

“ ४.(२)(दोन) ज्यांनी विहित केलेल्या वर्तणूकीप्रमाणे वर्तणूक केलेली नाही किंवा नेमून दिलेले काम केलेले नाही ”

She therefore, submits that the respondent no.2 has rightly passed an order denying furlough leave to the petitioner.

6. We have considered the rival submission of the parties. Upon consideration, we find that the petitioner undisputedly on 4 occasions from the year 2010 to 2014 overstayed for the period mentioned above. However, the fact remains that from 2014, the petitioner was not released on furlough. The very object of the furlough leave is reformation and social integration and therefore, if furlough leave is denied for years together, it would frustrate the very object and purpose of incorporation of provisions for grant of furlough leave in the Rules. Further, the respondent no.1 has also lost sight of the fact that since 2014, the petitioner was not granted furlough leave, and therefore, merely he overstayed on earlier occasions, that by itself does not disqualify the petitioner from grant of furlough leave.

7. The learned Counsel for the petitioner on instructions submitted that the petitioner undertakes to perform the allotted work in the prison, as this was one of the ground for rejection of furlough leave. Thus, in view of above discussion, we find that the present petition deserves to be allowed. Hence, the following order.

ORDER

- (1) Criminal Writ Petition is allowed.
- (2) We hereby quash and set aside the order dated 22.03.2025 passed by the respondent no.2 D.I.G. Prison, Nagpur and direct the said Authority to release the petitioner on furlough for the period prayed by him, on such usual terms and conditions which the said Authority may deem fit and proper.
- (3) Rule is made absolute in aforesaid terms.
- (4) Pending Misc. Applications, if any, also stands disposed of.

JUDGE

JUDGE