

*THE PRISONS
(BOMBAY FURLOUGH AND PAROLE)
RULES, 1959.
(APPLICABLE TO
MAHARASHTRA AND GUJARAT)*

[WITH SHORT NOTES AND CIRCULARS]

-By-

U. P. Deopujari, Adv
L/18, Yeshwant Nagar,
Nagpur- 440 010.

Prisons Department
Government of Gujarat
Gandhinagar.

-Publisher And Distributor-
Nagpur Law House,
182, Nandanvan Layout,
Main Road, Nagpur- 440 009.

↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓

THE PRISONS
(BOMBAY FURLOUGH AND PAROLE)
RULES, 1959.
(APPLICABLE TO
MAHARASHTRA AND GUJARAT)
[WITH SHORT NOTES AND CIRCULARS]

Under Secretary
Home Department
Government of Gujarat
Gandhinagar.

↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑

**The Prisons (Bombay Furlough And Parole)
Rules, 1959.**

(Applicable to Maharashtra and Gujarat)

Contents

Rules :-

1. Short title and extent.

Rules regulating the grant of furlough

2. Sanctioning Authority.
3. When prisoner may be granted furlough.
4. When prisoners shall not be granted furlough.
5. Furlough not to be granted after return from parole.
6. Furlough not to be granted without surety.
7. Prisoners to give personal bond before release on furlough.
8. How applications for grant of furlough should be dealt with.
9. Fresh application for furlough.
10. Conditions of release.
11. Declaration before release.
12. Prisoner ordinarily to bear journey expenses.
13. Extension of period of furlough.
14. Intimation of release and non-surrender of prisoner.
15. Release order inoperative on a prisoner's surrender to the prison authorities.
16. Furlough to be counted as remission of sentence.
17. No legal right to furlough.

Rules regarding the grant of parole

18. Authorities competent to sanction parole.
19. When a prisoner may be released on parole.
20. Parole not to be counted as remission of sentence.
21. Application for grant of parole.

22. Applications for parole how to be dealt with.
23. Enquiries may be made on receipt of application.
24. Conditions subject to which prisoners may be granted parole.
25. Extension of the period of parole.
26. Parole order ineffective on prisoner's surrender.
27. Intimation of release and of non - surrender of a prisoner.
28. Application of certain rules to parole cases.

Miscellaneous

29. Form of order of release on furlough or parole.
30. Forms in general.
31. Reference to "District Magistrate" to be construed as reference to the Collector and Additional District Magistrate.
32. Repeal.

Form A - Surety Bond.

Form B - Personal Bond.

Form C - Bond giving a cash Security.

Form D - Form of application for release on parole.

Form E - Form of order of release on furlough/ parole.

Form F - Form of order of release on furlough/ parole

(In appeal to State Government)

Important Circulars

- * Index
 - * Table of cases
 - * Abbreviations
-

The Prisons (Bombay Furlough And Parole) Rules, 1959.

(Applicable to Maharashtra and Gujarat)

Prisons Act, 1894

No. MIS 5157/ 74036 (XXIV) - IV.- In exercise of the powers conferred by clauses (5) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894) in its application to the State of Bombay, the Government of Bombay hereby makes the following rules, namely :-

1. Short title and extent :-

- (1) These rules may be called the Prisons (Bombay furlough and parole) Rules 1959.
- (2) They extend to the whole of the State of Bombay.

Short Notes

The Prisons (Bombay furlough and parole) Rules, 1959, are framed by the State Government by virtue of powers conferred on it by section 59 (5) of the Prisons Act, 1894. The expression "furlough system" is defined in Clause (5A) of section 3 of the Prisons Act while the expression "Parole system" is defined in Clause (5B) of the said Act. The detailed Provisions relating furlough and parole are contained in the rules framed under the Act.

Aims and Objects - The aims and objects of the said rules relating to parole and furlough are discussed by the Full Bench of the Gujarat High Court in case of **Bhikabhai -Vs- State of Gujarat & others*. The Full Bench has referred the report of submitted by the All India Jail Manual Committee and also the objects mentioned in the Model Prison Manual.

These objects are :

- "(i) to enable the inmate to maintain continuity with his family life and deal with the family matters;
- (ii) to save the inmate from the evil effects of continuous prison life;
- (iii) to enable the inmate to maintain constructive hope and active interest in the life."

It is further stated in para 13 of the said judgement that the parole and furlough rules are part of penal and prison system with a view to

The Prisons (Bombay Furlough And Parole) Rules, 1959

humanise the prison system. These rules enable the prisoners to obtain his release and to return to the outside world for a short prescribed period (* A I R 1987 Guj 136 - FB = 1987 Cri L J 1932 = 1987 Cri L R (Mch. 15) = 1987 (2) G L R 1178 = (1987) 1 G L H 139)

The above Full Bench judgement is considered by the Division Bench of the Gujarat High Court in case of ⁺ *Ishwarsinh -Vs- State of Gujarat* and the observations of the Full Bench relating to the aims and objects of the rules are reproduced by the Division Bench in Para 2 of the Judgement (⁺ 1990 (2) G L R 1365 - DB)

The Full Bench decision is also noted by the Division Bench of the Bombay High Court in case of * *Prahlad D Gajbhiye -Vs- State of Maharashtra* and it is said in para 5 of the judgement that the principal object of grant of furlough is to enable the prisoner to have family association and to avoid ill - effects of continuous prison life. In other words, a prisoner is accorded social interaction, man being a social animal. Social life is brought into existence periodically for a prisoner by providing furlough. (* 1994 M L J 1584 - DB = 1994 Cri L J 2555)

It is proper to note the observations of the Apex Court relating to history and purpose of release of detenues on parole. The Apex Court has said that-

" The grant of parole is essentially an executive function and instances of release of detenues on parole were literally unknown until this Court and some of the High Courts in India in recent years made orders of release on parole on humanitarian considerations. 'Historically Parole' is a concept known to military law and denotes release of a prisoner of war on promise to return

It is a provisional release from confinement but is deemed to be part of the imprisonment. Release on parole is a wing of the reformatory process and is expected to provide opportunity to the prisoner to transform him into a useful citizen. Parole is thus a grant of partial liberty or lessening of restrictions to a convict prisoner, but release on parole does not change the status of the prisoner." [Para 8]

It is important for the readers to note all the observations in this paragraph (*Poonam Lata -Vs- M L Wadhawan*, (1987) 3 S C C 347 = 1987 S C (Cri) 506 = A I R 1987 S C 1383 = 1987 Cri L J 1130) / (*Affirmed Pushpadevi -Vs- M L Wadhawan*, (1987) 3 S C C 367 = 1987 S C C (526 = A I R 1987 S C 1748 = 1987 Cri L J 1888.)

✓ **Distinction between parole and furlough** - The furlough and the parole have two different purposes. Furlough is a matter of right whereas parole

cannot be claimed as a matter of right. It is not necessary to state the reasons while releasing the prisoner on furlough but a prisoner can be released on parole for the reasons stated in rule 19. However it is necessary to note that even release on furlough cannot be said to be an absolute right of prisoner. It is subject to the conditions mentioned in rule 4. (*Refer above two judgements in case of Ishwarsinh -Vs- State of Gujarat and Prahlad D Gajbhiye -Vs- State of Maharashtra.*)

In case of **Bhikabhai -Vs- State of Gujarat*, the full Bench has also noted the different purposes of the furlough and parole. It is said in para 34 of the judgement that -

"It is to be noted that furlough and parole have two different purposes. Furlough is matter of right parole is not so. Furlough is to be granted periodically under rule 3 irrespective of any particular reason merely with a view to enable the prisoner to have family and social ties and to avoid ill effects of continues prison life, and period of furlough is treated as remission of sentence. Since furlough is to be granted for no particular reason, it can be denied in the interest of society; where as parole is to be granted only on sufficient cause (R. 19) such as cases of severe illness or death of any member of prisoner's family or of his near relative or for other sufficient cause

Therefore, comparison of release on parole and furlough is absolutely uncalled for "[Para 34] (**A I R 1987 Guj 136 - FB = 1987 Cri L J 1932 = 1987 Cri L R (Mah) 151 = 1987 (2) G L R 1178 = (1987) 1 G L H 139*)

✓ Rules Regulating The Grant of Furlough.

2. Sanctioning Authority.-

The Inspector General of Prisons or the Deputy Inspector General of Prisons (Head quarters), when the former is out of head-quarters (hereinafter referred to as the Sanctioning Authority") shall, subject to these rules be competent to grant furlough to convicted prisoners as hereinafter mentioned.

Short Notes

The Inspector - General of Prisons and the Deputy Inspector - General of Prisons are the Sanctioning Authorities under the rule 2 for grant of furlough to the prisoners.

The question was raised before the Division Bench of the Gujarat High Court that "Is the I G of Prisons who is the Sanctioning Authority as

prescribed under the Rules, required to consult the appropriate Government as referred to in Sec 432 of the Code of Criminal Procedure ?

It is held by the High Court that the sanctioning authorities exercising power to grant furlough is not required to refer the case to the appropriate Government, be the Central Government or State Government, when it exercise power under the provisions of the Rules. (*Ramesh -Vs- State of Gujarat*, 1989 (2) G L R 850 -DB)

3. When Prisoner may be granted furlough.-

- ✓ (1) A Prisoner, who is sentenced to imprisonment for a period exceeding one year but not exceeding five years, may be released on furlough for a period of two weeks at a time for every year of actual imprisonment undergone.
- (2) A Prisoner, who is sentenced to imprisonment for a period exceeding five years may be released on furlough for a period of two weeks at a time for every two years of actual imprisonment undergone:

Provided that a prisoner sentenced to imprisonment for more than five years but not to imprisonment for life may be released on furlough every year instead of every two years during the last five years of his unexpired period of sentence:

Provided further that a prisoner sentenced to life imprisonment may be released on furlough every year instead of every two years after he completes seven years actual imprisonment.

Note 1.- The period of imprisonment in this rule includes the sentence or sentences awarded in lieu of fine in case the amount of fine is not paid.

Provided that if fine is paid during the period of imprisonment and the total sentence thereby reduced to a term not exceeding 5 years he shall thereafter be eligible for release every year in accordance with sub-rule (1) instead of every two years under sub-rule (2).

Note 2.- For the purposes of this rule, the period of imprisonment shall be computed as the total period for which a prisoner is sentenced even though one or more sentences be concurrent.

Note 3.- If at any time a prisoner who could have been granted furlough is either not granted or is refused the same the period for which he could have been granted the furlough shall not be carried forward but shall lapse.

Note 4.- The period of two weeks may be initially extended up to three weeks in the case of prisoners desiring to spend the furlough outside the State of Bombay.

Note 5.- An order sanctioning the release of a prisoner on furlough shall cease to be valid if not given effect to within a period of two months of the date thereof.

Short Notes

The provisions relating to release of prisoner on furlough are contained in rule 3. The scope and ambit of Rule 3 is considered by the Division Bench of the Bombay High Court in case of ⁺*Prahlad D Gajbhiye -Vs- State of Maharashtra*. The question before the High court was

"Whether the actual imprisonment undergone provided in the said provision includes the imprisonment undergone as an under-trial prisoner or only imprisonment after conviction?"

In short, the Division Bench has construed the meaning of the expression "actual imprisonment undergone" as used in sub-rules (1) and (2) of Rule 3. It is specifically held that -

"We thus hold that while computing actual imprisonment undergone under rule 3 of the Furlough Rules, the detention / imprisonment undergone as an under - trial prisoner has to be computed after he is sentenced to suffer imprisonment and a prisoner cannot be deprived of that period of detention which he has undergone as an under-trial prisoner for grant of furlough after he has been sentenced to imprisonment and convicted." [Para 20]- (⁺ 1994 Mah L J 1584 = 1994 Cri L J 2555)

In case of **Sharad Bhiku -Vs- State of Maharashtra*, the Division Bench of the Bombay High court allowed the writ petition of a prisoner claiming furlough during the pendency of appeal in the Court of law. After considering the judgement in case of *# Jayant V Shetty -Vs- State of Maharashtra* the

Division Bench held that the above case does not lay down a law that a prisoner whose appeal is pending in the Court is not entitled for furlough

(* 1990 (3) Bom C R 633 = 1991 Cri L J 2109, # 1986 Cri L J 1298 = 1986(1) Bom C R 311 = 1986 Mah L R 431)

The constitutional validity of Note 2 of rule 3 was challenged before the Division Bench of the Gujarat High Court in case of *Jina Mohan Vs- State of Gujarat*, 1987 (2) G L R 955. It is observed by the Division Bench that though it is necessary to keep in mind the object of parole and furlough rule while releasing the prisoner but at the same time the safety of prisoner as well as the discipline in prison are also required to be maintained. That is the reason why the gravity of offence and the period of sentence imposed upon are taken as relevant criteria. By introducing the provision of Note 2 in rule 3, the legislature has only introduced the relevant criteria i.e. gravity of offence (s) committed by prisoner. Such provision cannot be said to be arbitrary. The validity of Note 2 is upheld by the High Court.

4. When prisoners shall not be granted furlough.-

The following categories of prisoners shall not be considered for release on furlough :-

- (1) Habitual prisoners.
- (2) Prisoners convicted of offenses under sections 392 to 402 (both inclusive) of the Indian Penal Code.
- (3) Prisoners convicted of offence under the Bomb Prohibition Act, 1949.
- (4) Prisoners whose release is not recommended in Great Bombay by the Commissioner of Police and elsewhere, the District Magistrate on the ground of public peace and tranquillity.
- (5) Prisoners who, in the opinion of the Superintendent of the prison show a tendency towards crime.
- (6) Prisoners whose conduct is in the opinion of the Superintendent of the Prison, not satisfactory enough.
- (7) Prisoners confined in the Ratnagiri Special Prison [†][other than prisoners transferred to that prison for jail services.]

- (8) Prisoners convicted of offences of violence against person or property committed for political motives, unless the prior consent of the State Government to such release is obtained.
- (9) A prisoner or class of prisoners in whose case the State Government has directed that the prisoner shall not be released or that the case should be referred to it for orders.
- (10) Prisoners who have at any time escaped or attempted to escape from lawful custody or have defaulted in any way in surrendering themselves at the appropriate time after release on parole on furlough.

*[(11) Prisoners convicted of offences under the Narcotic Drugs and Psychotropic Substance Act, 1985.]

⁺ Inserted by Maharashtra vide Notification No. MIS - 5157/ 74036 (XXIV) - IV dated 13-10-1959.

^{*} Inserted by Gujarat vide Notification No. GG/73/90/JLM - 9590 - 5139 -J dated 9-8-1990.

Short Notes

The various categories of prisoners who shall not be entitled for release on furlough are mentioned in this ruled 4. It is mentioned in category (1) that habitual prisoners are not entitled for release on furlough .

Validity of rule 4(2) :- In category (2), it is mentioned that the prisoner convicted of the offences under section 392 to 402 (both inclusive) of the I P C are not entitled to be released on furlough.

The *vires* of rule 4(2) was challenged before the Division Bench of Gujarat High Court in case of *Juvansingh - State of Gujarat, 1973 G L R 104* and the Division Bench upheld the validity of said category. It is held that rule 4(2) is valid and *intra vires* and not vulnerable to the charge of being violative of Art. 14 of the Constitution of India.

It was contended before the High Court that the prisoner convicted for an offence under section 302 of I P C is entitled for the release on furlough but the prisoner convicted for an offence under sections 394 and 397 are not cntitle to be released on furlough though an offence under section 302 is of more serious nature. While answering the contention, the High Court said that -

" As observed earlier, consideration of sympathy for him cannot be permitted to overshadow the consideration regarding the security of the society. Similarly with regard to lesser offence of robbery, it would be extremely haz-

ardous to let the prisoner loose before the expiry of the term of imprisonment. It would be hazardous to do so because when one abandons honest labour for the career of theft or intimidation coupled with violence (which brings easy money though at some risk) it tends to become way of life and the temptation is too great to resist when the prisoner is at large. The offences of robbery and dacoity, therefore, fall within a class by themselves. " [Para 9].

Thus it is held that the classification is based on the danger inherent in releasing such prisoner and as such has nexus with the object sought to be achieved.

The validity of order of non-release of prisoner on furlough on the ground of provision of category (2) of rule 4 also fell before the Division Bench of the Bombay High Court in case of *Gorakh -Vs- Government of Maharashtra*, 1993 Mah L J 1423.

In this case, the prisoner was sentenced to undergo life imprisonment under section 302, I P C and seven years imprisonment under section 397, I P C. These two sentences were ordered to run concurrently. The prisoner denied furlough and hence such denial was challenged before the High Court.

The High Court held that on undergoing the imprisonment of seven years, the prisoner would cease to be a convict under section 397, I P C and his continuation in prison thereafter was because of sentence under section 302, I P C. Hence, in the circumstances, it was held that the bar under category (2) of rule 4 is not attracted and the prisoner is entitled for furlough.

Bombay Prohibition Act :- It is prescribed under category (3) that the prisoner convicted of the offences under the Bombay Prohibition Act, 1949, is not entitled for release on furlough.

Prisoner, who was convicted for offences under sections 302, 326 read with section 34 of I P C and for offences under the Prohibition Act, challenged the order of refusal of furlough to him. It was contended that the prisoner has already served the sentence of 3 years and odd which is the maximum sentence which could have been imposed on the petitioner/prisoner under the said Act and he is now out of bar under category (3) of rule 4 and as such entitled for furlough.

The Division Bench, after considering the judgements in case of *Sharad K Mehta -Vs- State of Mah.*, 1989 Cri L J 681 and *Sharad Bhiku -Vs- State of Mah.*, 1991 Cri L J 2109 = 1990(3) Bom C R 633, accepted the contention of the prisoner and granted furlough. (*Chandrakant B Pawar -Vs- State of Maharashtra*, 1996 (2) Mah L R 269 -DB)

Adverse police opinion :- It is better to consider following cases under this head and they are :-

- i. *Narsing -Vs- State of Gujarat, 1988 Cri L R (Guj) 505-DB. = 1988 (2) G L R 1268.*
- ii. *Nijar -Vs- State of Gujarat, 1990 Cri L R (Guj) 374 - DB.*
- iii. *Central Prison -Vs- State of Gujarat, 1993 Cri L R 304 - DB.*
- iv. *Sharad Keshav Methia -Vs- State of Maharashtra, 1989 Cri L J 681-DB.*
- v. *Vallabha -Vs- Commissioner of Police, 1989 Cri L J 2262- DB.*
- vi. *Babubhai -Vs- State of Gujarat, 1989 (2) G L R 820 -DB*

The important legal points to be noted from above cases can be stated in brief as under-

- a. The Sanctioning Authority should consider the judgement passed by the Court convicting him and criteria laid down under the rules and should not reject the request for release on furlough merely on the ground of adverse police report.
- b. Once a prisoner has become entitled to furlough, it should ordinarily be not refused on the ground that there is adverse police opinion of that otherside objects to the same. In the circumstances suitable conditions can be imposed on the prisoner and the police can be asked to see that proper watch is kept on otherside also.
- c. Mere chanting of phrase " adverse police opinion" without there being anything in support of the same on the record is not just and sufficient to turn sown the parole / furlough leave application.
- d. A sense of awareness of duty and its seriousness is required to be exhibited by the police authoirties concerned while expressing their opinion in respect of parole and furlough. Their mechanical recital that there is likelihood of breach of peace if the petitioner / prisoner is released on parole or furlough is not what is called from the police officer. The police officer must be in a position to substantiate his opinion and he must indicate the reasons why he has expressed opinion adverse to the convicted prisoner being released on parole/ and / or furlough. Accordingly he must also indicate the material on which the said adverse opinion is based.

- e. Whenever parole/ furlough applications are rejected, the copy of such order disclosing grounds on which it came to be rejected must be communicated to the prisoner so that he is not kept any more in dark for assailing the same before higher forum.
- f. Unless the Commissioner of Police has material from which a reasonable inference can be drawn, the right to release on furlough cannot be denied by resort to rule 4. The Commissioner of Police must apply his mind to the facts of each case and should not as a formality submit a report denying the substantial and legal right of prisoner.
- g. Rejection of furlough on the ground of public peace and tranquillity without any material to that effect is illegal.

It is also necessary to note the judgement of Gujarat High Court in case of *Maganbhai -Vs- State of Gujarat*, 1994 Cri L R (Guj) 379.

In this case, the High Court dismissed the application of prisoner for furlough solely on the ground that full and true material facts were not placed before the Court. The High Court emphasized that the petition claiming the relief of furlough must state true and complete facts necessary for deciding the application for furlough and it is duty of the otherside to produce all the relevant material on record justifying the decision on such application. It is necessary to read para 3 of the judgement in which the High Court has stated the duty of Court, duty of Jail Authorities and the duty of petitioner claiming relief of furlough and further about the contents of petition.

In case of ⁺ *Bharat -Vs- State of Maharashtra*, the Division Bench of the Bombay High Court quashed the order of rejection of furlough. In this case, the furlough was refused on the ground that the brother of petitioner/ co-accused was absconding while on furlough and it is possible that they may commit crime if prayer for release on furlough is allowed. There was no material on record to infer such commission of crime. The High Court granted prayer for release of petitioner on furlough. (⁺ *Criminal N.P. No. 235 of 1997 decided on 21-10-1997 by Hon'ble L Manoharan and G.D. Patil JJ, Nagpur Bench.*)

Unsatisfactory conduct :- The furlough can be refused to the prisoners under rule 4(6) whose conduct is not satisfactory.

In case of **Khimji -Vs- State of Gujarat*, the Gujarat High Court granted furlough to the prisoners to whom the furlough was refused on the ground of overstay after expiry of period of parole/ furlough and for which punish-

ment by way of cut in remission was imposed. The High Court held that refusal of furlough only on the ground of minor prison offence is illegal. (*1991 Cri L R (Guj) 513 - DB = 1991 (1) G L R 345)

In case of *Atulji -Vs- State of Gujarat, 1984 G L H 139 - DB*, the Division Bench of the Gujarat High Court, after considering the provisions of rule 4 (6), has held that it is not correct to say that once a prisoner is punished, he forfeits his right for being released on furlough. It is open for the Jail Authorities to cut furlough leave as punishment for any jail offence so that he can move against that punishment. The High Court granted furlough leave to the prisoner in this case.

Rule 4 (10) :- It is clear from the provision of category (10) of rule 4 that a prisoner who has at any time escaped or attempted to escape from lawful custody or has defaulted in any way in surrendering at the appropriate time after release on parole or furlough shall not be considered for release on furlough.

The important question regarding interpretation of rule 4(10) was referred to the Full Bench of Gujarat High Court in case of **Bhikabhai Devshi -Vs- State of Gujarat*. The question was as to whether the word "shall" used in the rule is mandatory and whether the said word can be construed as "may" atleast as far as later part of the said category (10) of rule 4.

After considering objects of the Rules, Model Prison Manual, report of All India Jail Manual Committee, Bombay Jail Manual, Prisons Act, 1894 and various other authorities, the Full Bench held that ----

- i. In the context of later part of rule 4(10) the word "shall" will have to be read as "may" and directory.
- ii. The prison authorities cannot reject as ineligible the request of due furlough of the prisoners who have surrendered late in past.
- iii. The authorities have the power and duty to consider grant or refusal of such furlough due to prisoners, having regard to the facts and circumstances of the case including the fact that the prisoner had surrendered late in past. That would be one of the relevant factors to be taken into account.
- iv. Another relevant factor to be taken into account will be the view taken regarding the gravity of the offence while imposing punishment under sec. 48 A of Prisons Act read with rule 128 of the Jail Manual.

(*A I R 1987 Guj 136 - FB = 1987 Cri L J 1932 = 1987 Cri L R (Mah) 151 = 1987 (2) G L R 1178 = 1987(1) G L H 139)

The judgement of the Full Bench in above case is later on followed by the Gujarat High Court in case of *Bhipat -Vs- State of Gujarat*, 1987 Cri L R (Guj) 257 = 1987 (1) G L R 596 - DB and *Rodaji Mahaji -Vs- State of Gujarat*, 1991 (1) G L R 648 - DB = 1991 Cri L R (Guj) 318.

In case of *Bhipat -Vs- State of Gujarat*, the furlough was refused because of late surrender on one occasion. The prisoner explained that such late surrender was because of serious illness and also produced medical certificate. But the certificate was disbelieved by the Jail authorities on the ground that it was routine one. However the High court held that the prisoner is entitled for release on furlough.

In case of *Rodaji -Vs- State of Gujarat*, the furlough was refused on the ground that the prisoner committed a Jail offence. After considering the ratio of Full Bench in case of *Bhikabhai -Vs- State of Gujarat*, the High Court held that once the prisoner is punished for his prison offence, the matter of prison offence will rest there and any other punishment thereafter for the same act of misconduct is barred. In such case refusal of furlough would amount to imposition of additional penalty for same offence. The prisoner was granted furlough.

In case of *+Motisinh -Vs- State of Gujarat*, the jail authorities rejected the furlough of a prisoner on the ground that on earlier occasion he surrendered late by 2012 days and the High Court also dismissed his petition against said order. Some of the important observation of the Division Bench are reproduced below ----

"Moreover, if the prisoner committing such gross lapses of late surrender are treated lightly by granting furlough whenever they desire, the same will not only embolden and encourage that to defy the jail discipline but the same may further as well stiffen and arrogate them to twist and raise their mustachios against the jail authorities defying and challenging them in all respect " (+1994 Cri L R (Guj) 396 = 1994(2) G L R 1445-DB)

The Narcotic Drugs and Psychotropic Substance Act, 1985 :-

The question that " as to whether a person convicted under the provisions of N D P S Act, 1985 can be released either on parole or furlough by the concerned authority after addition of section 32-A in the said Act?" is considered by * Gujarat as well as by + Bombay High Court and a consistent view is taken by both the High Courts that section 32-A of the N D P S Act, 1985 is constitutionally valid and no parole or furlough can be granted to a prisoner convicted for the offence under the said Act.

* *Ishwarsinh -Vs- State of Gujarat*, 1990 (2) G L R 1365 - DB. = 1991 (2) Crimes 160.

⁺ *Sheikh Salim -Vs- State of Maharashtra, 1996(1) Mah L J 834 - DB.*

The above view of Gujarat High Court is also followed by Bombay High Court in *Balwant -Vs- State of Maharashtra*, Criminal W P No. 136 of 1994 decided on 10-8-1994 by Hon'ble Ghodeswar and Lodha JJ. (Nagpur Bench).

5. Furlough not to be granted after return from parole.-

Ordinarily furlough shall not be granted to a prisoner within a period of six months from the date of his return from parole.

6. Furlough not to be granted without surety.-

A prisoner shall not be granted furlough unless he has a relative willing to receive him while on furlough and ready to enter into a surety bond in Form A appended to these rules for such amount as may be fixed by the Sanctioning Authority.

⁺ [Provided that the Sanctioning Authority may dispense with the requirement of execution of such bond by relatives of prisoners confined in Open Prisons as defined in clause (b) of rule 2 of the Maharashtra Open Prisons Rules, 1971].

⁺ Inserted by Maharashtra vide Notification No. RJM 0174/ 16- XXV. dated 17.10.1975

7. Prisoners to give personal bond before release on furlough .

Every prisoner desirous of release on furlough shall be required to give personal bond of the required amount in Form B appended to these rules.

8. How applications for grant of furlough should be dealt with.-

- (1) Two months before a prisoner becomes eligible to be considered for release on furlough, the Superintendent of Prison shall inform the prisoner accordingly. If the prisoner desires to be considered for such release he shall make an application (in duplicate) to the Inspector General of Prisons through the Superintendent of Prison stating clearly the name and full address of the place where he desires to spend the furlough, the full name of the relative willing to receive him on furlough and prepared to execute the surety bond, and shall also state whether he is in a position to bear the expenses of the

journey both ways or either way and, if not the amount of expenses that may be required by him for such journey.

- (2) On receipt of the application under sub-rule (1), the Superintendent of prison shall, unless the prisoner is Prima facie not entitled to release on furlough, forward it expeditiously to the District Magistrate concerned through the District Superintendent of Police of that District or to the Commissioner of Police, Greater Bombay, as the case may be, with such remarks as he deems fit. A copy of this communication together with the prisoner's Nominal Roll shall be endorsed by the Superintendent of prison to the Inspector - General of Prisons, and such endorsement shall inter alia state -
- (a) the amount of money the prisoner has to his credit including the amount he may have earned in prison,
 - (b) the amount of money required for the journey both ways,
 - (c) the amount of security the Superintendent considers proper,
 - (d) the name of the village taluka and district and the State in which the prisoner proposes to spend his furlough,
 - (e) the name of the District from which he hails,
 - (f) the name of the District in which he was convicted.

The District Magistrate or the Commissioner of Police, Greater Bombay, as the case may be, should be requested to furnish, along with his opinion, the following information regarding the relatives of the prisoner with whom he intends to stay while on furlough :-

- (a) Their relationship with the prisoner concerned.
- (b) Whether such relatives are willing to keep the prisoner while on furlough.

(c) Whether they (viz., relatives) are willing to enter into surety bond.

- (3) The District Magistrate or the Commissioner of police, Greater Bombay , as the case may be, shall thereafter forward the application to the Inspector General of Prisons together with his recommendations.
- (4) The District Superintendent of Police shall, before forwarding the application to the District Magistrate concerned and the Commissioner of Police, Greater Bombay shall, before forwarding the application to the Inspector General of prisons, cause inquiries to be made regarding the prisoner's statement, if any, that he is not able to bear the expenses of the journey both ways or either way, as the case may be, and make recommendations accordingly.
- (5) If furlough is not recommended, adequate reasons therefor shall be given.
- (6) If on receipt of the application together with recommendations under sub-rule (3), the Sanctioning Authority considers that furlough be granted, it shall make an order for the release of the prisoner on furlough on such conditions as may be specified in the order.

9. Fresh application for furlough.-

A prisoner may, if he so desires make a fresh application for furlough six months after the rejection of his previous application.

10. Conditions of release.-

The Sanctioning Authority shall grant furlough to a prisoner subject to his executing a personal bond or giving cash security in Form C appended to these rules and also subject to a surety executing a bond, in Form A appended to these rules, if so required. The release may further be subject to all or any of the following conditions :-

- (1) that the said prisoner shall reside at Taluka in the District/ Greater Bombay during the period of release on furlough and shall not go beyond the limits of the said

District/ Greater Bombay without the permission of District Magistrate, / Commissioner of Police Greater Bombay, or such Officer as the said District Magistrate/ Commissioner of Police may appoint in behalf;

- (2) that the said prisoner shall be of good behavior and shall not commit any offence punishable by or under any law in force in India,
- (3) that the said prisoner shall not associate with bad characters or lead a dissolute life,
- (4) that the said prisoner shall, in case he proposes to change his religion during the period of furlough, give a minimum of seven days prior intimation to the said District Magistrate/ Commissioner of Police as also the Superintendent of the Prison from which he has been released, about his intention, and he shall also furnish them with information regarding the new religion and the new name, if any, which he proposes to adopt.
- (5) that the said prisoner will surrender himself to the Superintendent of the Prison from which he was released at the expiry of the period of furlough.
- * (6) that the said prisoner will report once a day to the officer in charge () police station during the period of furlough

or

that the said prisoner shall, immediately on arrival at the place mentioned in (1) above report at the police station nearest to the said place, and thereafter*

* To be inserted in appropriate cases and with such modifications as the Sanctioning Authority deems fit.

Short Notes

The conditions for release of a prisoner on furlough are contained in rule 10 and the Sanctioning Authority shall grant furlough to the prisoner subject to his executing a personal bond or giving cash security in a prescribed Form. The other conditions for such release are stated in items 2 to 6 of the said rule.

The question relating to interpretation of rule 10 was referred to the full bench of Gujarat High Court in *Natia Jiria -Vs- State of Gujarat, 1984 Cri L J 936- FB = 1984 (1) G L R 464*. In short, the Full Bench has considered a situation in which the prisoner was entitled to be released on furlough but could not be released since he was unable to furnish surety bond or cash security.

After writing much more on proverty in India, the full bench held that-

- a. The words " if so required" cast a duty and obligation on the sanctioning Authority to consider whether the case requires waiver of the insistence on the execution of a surety bond.
- b. The appropriate justification for such waiver would be where a person is, by reason of his penury and his absence of influence in society, unable to furnish a surety bond.
- c. Rule 10 has to read and understood as justifying the Sanctioning Authority in waiving the insistence upon a surety bond in cases such as that of the prisoner.

In this case, the Full Bench released the prisoner on furlough after furnishing personal bond.

Breach of conditions :- It is clear from reading the rule 10 that the prisoner has to follow the conditions stated in the rules while released on furlough. One of the conditions is that he shall keep good behavior and shall not contravene the provisions of any of the statutes in force in India. In case of breach of such conditions, the prisoner can be punished under section 48-A of the Act. However it is left at the discretion of the Superintendent to decide which particular punishment or punishments should be imposed. Ordinarily the quantum of punishment is within the discretion of the Jail authorities and the court should not interfere with such discretion unless the punishment is excessive. (*Bhanuprasad -Vs- State of Gujarat, 1987 (2) G L R 778 -DB*)

11. Declaration before release.-

Before releasing a prisoner on furlough, a declaration as under shall be taken from him on the release order itself :-

"I hereby accept and agree to abide by the above conditions of the release order and I acknowledge that should I fail to fulfill these conditions or any portion of them the Sanctioning Authority may revoke the order of release and forfeit the amount of security furnished by me and I may be arrested by any police officer

without warrant and remanded to undergo the unexpired portion of my sentence and I further acknowledge that should I fail to fulfill these conditions or any portions of them I am liable to be punished, on conviction, with imprisonment for a term which may extend to two years or with fine which may extend to Rs. 1000, or with both, under section 51-B or the Prisons Act, 1894, as applicable to the State of Bombay."

12. Prisoner ordinarily to bear journey expenses.-

When a prisoner is released on furlough, the cost of his journey both ways shall be borne by the prisoner concerned :

Provided that, if in the opinion of the Sanctioning Authority, the prisoner is not able to bear the expenses of journey both ways or either way, as the case may be, the Sanctioning Authority may direct that the whole or any portion of such expenses be borne by the State Government.

13. Extension of the period of furlough.-

Notwithstanding anything contained in the foregoing rules, the Sanctioning Authority may, on the application of a prisoner or otherwise, by an order in writing extend the period of furlough for such further period as may be specified in such order on the same conditions on which the prisoner was originally granted furlough or on such other conditions as the Sanctioning Authority may determine.

14. Intimation of relase and of non surrender of prisoner. -

(1) When every any prisoner is released on furlough an intimation of his release on furlough shall forthwith be given by the Superintendent of prison :-

(i) to the Inspector General of Prisons,

(ii) to the District Magistrate and the District Superintendent of Police of the District in which the prisoner intends o agreed to spend his furlough and if the prisoner intends o agreed to spend his furlough in Greater Bombay, to the Commissioner of Police;

(iii) to the District Magistrate and the District Superintendent of Police of the District in which the prisoner wa

convicted and if the prisoner was convicted in Greater Bombay, to the Commissioner of Police,

(iv) if the prisoner belongs to this State, to the District Magistrate and the District Superintendent of Police of the District from which the prisoner hails and if the prisoner hails from Greater Bombay to the Commissioner of Police.

(2) Where a prisoner does not surrender himself to the prison authorities after the expiry of the period of furlough, the Sanctioning Authority may if it is satisfied that any of the conditions on which the furlough was granted has not been fulfilled, cancel its order granting such furlough. An intimation regarding such cancellation shall forthwith be given by the Superintendent of Prison to the Officers specified in clauses (ii), (iii) and (iv) of sub- rule (1). Upon such intimation, the police authorities may arrest the prisoner, if at large, and remand him to undergo the unexpired portion of his sentence.

15. Release order inoperative on a prisoner's surrender to the prison authorities.-

As soon as a prisoner released on furlough surrenders himself to the prison authorities, his order of release shall become inoperative. Where, therefore, a prisoner who is released on furlough has applied for the extension of the period of furlough and before his application has been sanctioned surrenders himself to the prison authorities he shall not be released after such surrender without obtaining a fresh order from the Sanctioning Authority.

16. Furlough to be counted as remission of sentence-

The furlough period shall be counted as a remission of sentence:

Provided that where any furlough period has been extended under Note 4 below rule 3 or under rule 13, the period of extension shall not be counted as a remission of sentence.

17. No legal right to furlough-

Nothing in these rules shall be construed as conferring a legal right on a prisoner to claim release on furlough.

Rules regarding the grant of parole**+ [(18) Authorities competent to sanction parole-**

(1) The authority competent to sanction release of a convicted prisoner on parole (herein-after referred to as "the Competent Authority") shall be as follows' namely :-

(i) The State Government in the following cases:-

(a) Prisoners convicted by Courts situated outside the State of Maharashtra;

(b) Prisoners convicted by Courts situated within the State of Maharashtra, but confined in Prisons situated outside the State;

(c) Prisoners convicted of political offences;

(d) any other case or class of cases wherein the State Government has directed that the case of the specified class of cases should be referred to it for orders; and

*[(ii) The Commissioner of the Division, in all other cases in a Division, in which the convicted prisoner is confined, or when the Divisional Commissioner is out of headquarters the Additional Divisional Commissioner:

Provided that if an application for release on parole or for an extension of the period of parole is refused by the Divisional Commissioner or the Additional Divisional Commissioner, as the case may be, an appeal shall lie to the State Government, whose decision thereon shall be final.]

(2) Notwithstanding anything contained in sub-rule (1), the Superintendent of Prison shall also be the Competent Authority to release a convicted prisoner on parole for a period not exceeding fifteen days, in case of death of hi

DM - justifiable chances for
ground. The will allow
more investigations.

Rule 19 - When a prisoner may be released on parole.

close relation i.e. father, mother, brother, sister, spouse or
child of the prisoner.]]

+ Entire rule 18 Substituted by Maharashtra vide Notification
No.PAR.-4579/3731-PRS-3 dated 5-7-1982.

* Clause (ii) Substituted by Maharashtra vide Notification No.PAR 4582/1/PRS-2
dated 21-11-1989.

Short Notes

Maharashtra Amendment:- The clause (ii) of sub-rule (1) of rule 18 is substituted by notification No.PAR.4282/1/PRS-2. It is clear from the amendment that power to grant parole is vested with the Commissioner of Division and in case the Divisional Commissioner is out of Headquarters the Additional Divisional Commissioner is empowered to grant parole. Earlier to this amendment, the Assistant Commissioner was authorised to grant parole in case the Divisional Commissioner is out of headquarters. It is also to be noted that the words "or the State Government for any prisoner lodged in any part of the State, to whomsoever an application for release on parole is made" are absent in the newly amended provision. Thus it can be said that in all other cases not covered by clause (i) of sub-rule(1) of rule 18, the Divisional Commissioner or the Additional Divisional Commissioner is empowered to release a prisoner on parole. In case of refusal of parole by such authorities, an appeal shall lie to the State Government and the finality is given to the decision of the State Government.

Authority of Minister to grant parole:- The question was raised before the Division Bench of the Gujarat High Court as whether any Minister has right to straitway grant parole ? It is held that Minister of the State has no authority whatsoever to release the convict/prisoner on parole leave. It is observed by the Court that it was improper on the part of the Minister to release the prisoner on parole merely on the recommendations of politicians ignoring altogether the criminal background of the prisoner on the one the hand and the overall interest of the society and the opinion of the jail authorities incharge of the prisoner on the otherhand. (*Hasmukhi D Prajapati -Vs- State of Gujarat, 1995 Cri L R (Guj) 273-DB = 1995 (1) G L R 726*)

+ [19. When a prisoner may be released on parole.-

A prisoner may be released on parole for such period not exceeding thirty days at a time, as the Competent Authority referred to in rule 18, in its discretion may order, in cases of serious illness, or death of nearest relative such as mother, father, sister, brother, children, spouse of the prisoner, or in

case of natural calamity such as house collapse, floods, fire. No such parole or extension of parole shall be granted without obtaining a police report in all cases except in the case of death of his nearest relatives mentioned above:

Provided that a prisoner shall not be released on parole for one year after expiry of his last parole except in case of death of his nearest relatives mentioned above.]

⁺Substituted by Maharashtra vide Notification No. PAR. 4582/1/PRS-2 dated 21-11-1989.

Short Notes

Maharashtra Amendment:- The earlier rule 19 is substituted by Notification No. PAR. 4582/1/PRS-2 dated 21.11.1989 and somewhat new look is given to rule 19.

Earlier to the amendment, the Prisoner was entitle to be released on ground of serious or death of any member of the prisoners family or of his nearest relatives or for any other sufficient cause.

In view of the amended provision, the prisoner can claim release on parole on the ground of serious illness or death of nearest relative such as mother, father, sister, brother, children, spouse of the prisoner. Thus category of nearest relative is specified in the amended provision. It is further provided that parole can be claimed on the ground of natural calamity such as house collapse, flood, fire. These are the additional grounds on which parole can be claimed by the prisoner.

It is clear in the amended rule that parole or extension of parole shall not be granted without obtaining a police report in all cases except in the case of death of his nearest relatives mentioned above.

The proviso is added in newly amended rule and restriction placed on release of parole. Such restriction was not there in unamended provision.

Release of a prisoner on parole:- Under this head, I have discussed in brief the cases in which the question relating to release or non-release of parole is considered by the High Court.

In case of * *Jayant Veerappa Shetty -Vs- State of Maharashtra*, the Division Bench of the Bombay High Court held that the Prisons (Bombay Furlough and Parole) Rules, 1959 would not apply to the grant of parole to a convicted person whose appeal is pending before the Appellate Court and when the Appellate Court is in seisin of the matter and is empowered under section 389 of the Code of Criminal Procedure, 1973, to pass ap-

appropriate orders * (1986 Mah LR 431 = 1986 Cri LJ 1298 = 1986 (1) Bom CR 311- DB)

However, in case of *Sharad Bhiku -Vs- State of Maharashtra, 1990 (3) Bom C R 633 = 1991 Cri L J 2109*, it is held that the ratio in the above case of *Jayant -Vs- State of Maharashtra* is not applicable to furlough.

In case of *Babubhai Ukabhai -Vs- State of Gujarat, 1987 (2) G L R 887-DB*, it is held that the refusal of parole only on ground that the prisoner has been committed to jail only recently is illegal and the authorities were directed to consider application for parole afresh.

In case of *Abdul Latif -Vs- State of Gujarat, 1987 (2) G L R 837-DB*, the Division Bench of the Gujarat High Court held that the concept of parole and furlough leave cannot be introduced and applied to the detenus under the preventive detention laws.

The Apex Court has considered the provisions of COFEPOSA Act, 1974 and effect of release of detenu on parole and its effect in counting the period of detention.

The Apex Court held that the period parole could be added to the maximum period of detention of the detenu. In other words, the Apex Court rejected the contention of detenu that once the detenu is taken into custody under the Act pursuant to an order of detention, the running of time would not be arrested merely because the Court directs release of the detenu on parole. (*Poonam Lata -Vs- M L Wadhawan, (1987) 3 S C C 347 = 1987 S C C (Cri) 506 = A I R 1987 S C 1383 = 1987 Cri L J 1130*)

Thus it is clear from the above judgement that the period of parole has to be excluded in reckoning the period of detention under sub-section (1) of Section 3 of the Act.

The above view is affirmed by the Apex Court in *Pushpadevi -Vs- M L Wadhawan, (1987) 3 S C C 367 = 1987 S C C (Cri) 526 = A I R 1987 S C 1748 = 1987 Cri L J 1888*.

But the above view is doubted by the Bench of three Judges of the Apex Court in *Sunil -Vs- Union of India, (1989) 3 S C C 236 = 1989 S C C (Cri) 552 = A I R 1989 S C 1529 = 1989 Cri LJ 1489*. However the matter was referred to larger bench for deciding the said question. It is expressed by the Bench that - - -

"It seems to us prima facie that one possible view can be that if parole is granted the period of parole should be counted within the total period of detention and not outside it."

In *Samir Chatterjee -Vs- State of W B*, 1975 S C C 340 = (1975) 1 S C C 801 = 1975 Cri L J 939, the Apex Court, after considering the provisions of section 15 of M I S A, has held that section 15 deals with release on parole and such release is made only on the request of the party and for a specific purpose.

While deciding a case of detention under COFEPOSA Act, the Apex Court directed the approach the appropriate authority for parole. In this case, the detenu prayed for release on parole till matter is decided by the larger Bench since the matter was referred to larger Bench.

(*Hansaben -Vs- Union of India*, (1994) 4 S C C 148 = 1994 S C C (Cri) 836)

But in case of *Kamleshkumar -Vs- Union of India*, 1995 Supp (3) S C C 732 = 1996 S C C (Cri) 86, the Apex Court released the detenu on parole since reference to larger Bench will not be decided early and period of detention is to expire shortly.

In case of ⁺ *Shakuntala Devi -Vs- State*, the Division Bench of Delhi High Court allowed the request of petitioner for release on parole after considering health condition of a prisoner/petitioner. It is held the gravity of crime committed and earlier release on parole are not the relevant considerations for refusal of parole in the present circumstances of the case. (⁺1996 Cri L J 2954 -DB)

In case of ^{*} *Ala Ramji -Vs- State of Gujarat*, the petitioner/convict prayed to the High Court that extension of parole leave for 21 days be granted to him on the ground of illness of his wife as she requires medical help and there were no male members in his family to manage for her treatment and operation. In this case, the reliability of medical certificate was disputed. It is held that the medical certificate produced on records does not comply with the essential per-requisites of of valid medical certificate and request for extension was rejected. (^{*} 1991 (2) G L R 722 -DB = 1992 Cri L J 867)

The Apex Court also recommended the case of a convict convicted under the Prevention of Corruption Act, 1947, for release on parole after considering the fact that the petitioner was the first offender and young in his carrer. (*Suresh Chandra -Vs- State of Gujarat*, 1976 S C C (Cri) 145 = 1976 Cri L J 1890 = A I R 1976 S C 2462)/(See also *Krishan Lal -Vs- State of Delhi*, 1976 S C C (Cri) 146)

The Apex Court directed release of a convict on parole for enabling him to appear in M A (Previous) Sociology examination of the University.

(*Tara Chand -Vs- State of Rajasthan*, 1990 (Supp) S C C 56) = 1990 SCC (Cri) 608 (I).)

20. Parole not to be counted as remission of sentence-

The period spent on parole shall not count as remission of the sentence.

Short Notes

It is provided in rule 20 that the period spent on parole shall not count as remission of the sentence.

In case of *Amritbhai -Vs- State of Gujarat*, the petitioners/ convicts claimed that the period spent by them for industrial training should be counted towards the remission of sentence. Such request was refused by the jail authorities.

While dismissing the petition, the Division Bench held that period during which the petitioners were released on parole to enable them to take industrial training cannot be treated to be a period spent in jail custody and hence it cannot be counted for remission of sentence.

(* 1987 Cri L R (Guj) 233-DB = 1987 (2) G L R 826)

21. Application for grant of parole.-

A prisoner may be granted parole either on his own application or on an application made by his relatives or friends, or legal adviser.

22. Applications for parole to be dealt with.-

(1) Any prisoner desiring to be released on parole shall ordinarily submit his application (in triplicate) in Form D appended to these rules to Superintendent of Prison who shall endorse his remarks thereon and submit one copy direct to the Competent Authority along with the nominal roll of the prisoner and the other to the District Superintendent of Police of the District in which the prisoner proposes to spend his parole period and to the Commissioner of Police if such place is in Greater Bombay.

Note- Prisoners who apply for parole on false grounds or who abuse the concession or commit breach of any of the conditions of parole are liable to be punished under section 51-B of the Prisons Act, 1894, as applicable to the State of Bombay.

- (2) The District Superintendent of Police concerned or the Commissioner of Police, Bombay, as the case may be, shall immediately make enquiries to ascertain whether the ground or grounds on which parole is applied for is or are genuine and submit immediately his report to the Competent Authority mentioning inter alia whether it recommends the grant of parole and also whether there is a likelihood of breach of peace if the prisoner is released on parole.

Short Notes

It is provided in Note below sub-rule (1) of rule 22 that a prisoner who apply for parole on false grounds or who abuses the concession or commit breach of any of the conditions of parole can be punished under the provisions of section 51-B of the Prisons Act, 1894, as applicable to Bombay. It is also provided under section 48 A. of the Prisons Act, 1894, that prisoner who fails to observe any conditions on which he was released on furlough or parole without sufficient cause shall be deemed to have committed prison offence and the Superintendent may punish such prisoner for such offence.

In case of *Shivraj -Vs- State of Maharashtra 1993 (3) Bom C R 717*, it held that punishment for overstay on parole should not be inflicted without giving reasonable opportunity of explanation to the prisoner. (See also *Ch. Ramaswamy -Vs- Govt. of A P, 1997 Cri L J 3256-DB - AP*)

23. Enquiries may be made on receipt of application-

On receipt of an application for parole, the Competent Authority may make such enquiries as it considers necessary and pass such orders as it considers fit. If Competent Authority considers that there is no objection to release the prisoner concerned on parole it shall make an order for his release on parole.

24. Conditions subject to which prisoners may be granted parole-

The Competent Authority may grant parole to a prisoner subject to his executing a surety bond and a personal bond in Forms A and B respectively to observe all or any of the conditions mentioned therein and also subject to such other conditions, if any, as may be specified by the Competent Authority:

periods as may be specified in such order, on the same grounds, and on the same conditions on which the prisoner was originally granted parole, or on such other conditions as the Competent Authority may determine:

Provided that the total period of parole so extended shall not exceed ninety days.]

+ Substituted by Maharashtra vide Notification No. PAR. 4582/1/ PRS-2 dated 21-11-1989:

26. Parole order ineffective on prisoner's surrender:-

As soon as a prisoner released on parole surrenders to the Prison Authority his original order of release will be inoperative. Where therefore, a prisoner who is released on parole has applied for the extension of the period of parole and before his application has been sanctioned surrenders himself to the Prison authority, he shall not be released after such surrender without obtaining a fresh release order passed by the Competent Authority.

27. Intimation of release and of non-surrender of a prisoner:-

- (1) When ever any prisoner is released on parole, an intimation of his release on parole shall forthwith be given by the Superintendent of Prison to the authority which granted him parole and copies thereof shall also be sent-
 - (i) to the Inspector General of Prisons,
 - (ii) to the District Magistrate and the District Superintendent of Police of the District in which the prisoner intends to spend his parole and if the prisoner intends to spend his parole in Greater Bombay to the Commissioner of Police
- (2) Where a prisoner does not surrender himself to the prison authorities after the expiry of the period of parole, the Competent Authority may, if it is satisfied that any of the conditions on which the parole was granted has not been fulfilled cancel its order granting such parole. An intimation regarding such cancellation shall forthwith be given by the Superintendent of Prison to the officers specified in clause (ii) of sub-rule (1). Upon such intimation the police

504.
and

Dated this day of 195

Signed by the abovenamed Surety in the presence of:

- 1.
- 2.

the

pre-
and
d in
utch
the

Signature of the Surety.

* Schedule A.

(To be filled in)

Form B.

Personal Bond

(See rules 7 and 24).

or
the
role
der

Whereas I (name) inhibitions of (place)

have been sentenced to undergo imprisonment for the term of
years.

And whereas the Government of Bombay/the Inspector General
of Prisons, State of Bombay/ the Deputy Inspector General of Prisons
(Headquarters)/Commissioner, Division/ the Assistant Commissioner
has, been pleased to release me on parole/ furlough for the term of
() commencing from and ending on on
condition of my executing a Personal Recognition Bond for my ap-
pearance on the following date viz,

the
and
at
ple
pay

I hereby agree, with and bind myself unto the Government of
Bombay to abide by the conditions mentioned in the Schedule at-
tached and further agree to appear and surrender myself before the
Superintendent of Prison at O' Clock on the
following date viz, and in case the period of parole/furlough
is extended then on the date following the date of expiry of such ex-
tended period of parole/furlough and in case of my making default
herein I bind myself to pay to the Government of Bombay a sum of
Rs.. and I agree that the Government of Bombay may
without prejudice to any other rights or remedies, recover the said
sum from me as an arrear of land revenue.

out
om

will

The prisoner confirms that the dated by him are true. He is prepared for the action that may be taken against him if they prove to be false.

Superintendent,

..... Prison.

Immediate

No. of

..... Prison Office,

Dated,

Forwarded to the District Superintendent of Police..... with a
Commissioner of Police, Bombay
 request to make immediate enquiries to ascertain if the ground or grounds on which parole is applied for is or are genuine and to submit his report immediately to the Commissioner,

Division, mentioning inter alia whether he recommends the grant of parole and if so, for what period, and also whether there is a likelihood of breach of peace if the prisoner is released on parole.

Superintendent,

..... Prison.

Copy with the Nominal Roll of the prisoner, submitted to the Commissioner, Division,

Superintendent

..... Prison

Date

Place

Form E.

(See rule 29)

Form of order of release on furlough/parole.

No. -In exercise of the powers conferred by rule 2/18
of the Prisons (Bombay Furlough and Parole) Rules, 1959, the

Government of Bombay

Inspector General of Prisons

Deputy Inspector General of Prisons

Commissioner of the Division ⁺ [or the Additional Divisional
Commissioner] of

Assistant Commissioner of the Division of

hereby suspends, for a period of days with effect.
from the date of release on furlough/parole, the execution of the sen-
tence of imprisonment awarded to the prisoner (No.)
subject to the following conditions, namely:-

(To be filed in)

Signature.

Designation.

Date

Place

"I hereby accept and agree to abide by the above conditions of
the order of release on furlough/parole and I acknowledge that should
I fail to fulfil any of these conditions, the Sanctioning Authority/Com-
petent Authority may revoke the order of release and forfeit the
amount of security furnished by me, and I may be arrested by any
Police Officer without warrant and remanded to undergo the unex-
pired portion of my sentence; and I further acknowledge that should
I fail to fulfil any of these conditions, I am liable to be punished,
on conviction, with imprisonment for a term which may extend to two
years or with fine which may extend to Rs. 1000 or with both under
section 51-B of Prisons Act, 1894, as applicable to the State of
Bombay"

Dated the

Prisoner

Certified that the foregoing conditions were read over and ex-
plained to the prisoner and accepted by him in my presence.

Dated the

Superintendent

Witness

Dated the

By order and in the name of the Governor of Bombay,

R. G. Salvi,
Joint Secretary to Government.

+ Inserted by Maharashtra vide Notification No. SJF. 0190/2(205)/PRS-2 dated 12-11-1993.

+ [Form 'F']

(See rule 29 (b))

In exercise of the powers conferred by the proviso to clause (ii) of sub-rule (1) of the rule 18 of the Prisons (Bombay Furlough and Parole) Rules, 1959, the Government of Maharashtra hereby set aside the Order No. dated the passed by the Divisional Commissioner/Additional Divisional Commissioner and suspends, for a period of

with effect from the date of release on parole, the execution of the sentence of imprisonment awarded to prisoner No. subject to the following conditions namely:-

- (1) That the said prisoner will reside at Taluka District state during the period of suspension and will not go beyond the limits of the said district without the permission of the District Magistrate or such officer as the District Magistrate may appoint in this behalf.
- (2) That the said prisoner will be of good behavior and will also not commit any offense punishable by any law in force in India.
- (3) That the said prisoner will not associate with notoriously bad characters or lead a dissolute life.
- (4) That the said prisoner shall, in case he proposes to change his religion during the period of suspension of sentence, give

minimum of seven days, prior intimation to the said District Magistrate as also the Superintendent of the Prison from which he has been released, about such intention and he shall also furnish them with information regarding the new religion and the new name, if any, which he proposed to adopt.

- (5) That the said prisoner will report himself to the Superintendent of the Jail on the expiry of the period of suspension.
- (6) That the said prisoner will report himself to the officer in charge of the Police Station, which is nearest to the place of the residence, immediately on his arrival at.
- (7) That the said prisoner will furnish a surety bond to the tune of Rs. 1,000 or Rs. 2,000".

I hereby accept and agree to abide by the above conditions of the order of release on parole and I acknowledge that should I fail to fulfil any of these conditions, the Government of Maharashtra may revoke the order of release and I may be arrested by any of Police Officer, without warrant and remand to undergo the unexpired portion of my sentence; and I further acknowledge that should I fail to fulfil any of these conditions I am liable to be punished on conviction with imprisonment for a term which may extend to two years or with fine which may extend to Rs.1,000 or with both under section 51-B of the Prisons Act, 1894 as applicable to the State of Maharashtra.

Dated the

Prisoner.

Certified that the foregoing conditions were read over and explained to the prisoner and accepted by him in my presence.

Dated the
tendent.

Superin-

Witness

Dated the

⁺Inserted by Maharashtra vide Notification No. SJF. 0190/2(205)/PRS-2 dated. 12-11-1993.

Important Circulars

Index

S No.	Date	Number of circular	Subject in brief
1	25-9-1950	Circular No. 4428/6	Prisoner Prompt disposal of applications regarding release of - on parole on the ground of serious illness or death of their relatives
2	31-1-1951	Circular No. 4428/6	Explanation to above circular.
3	28-11-1989	Circular No. PAR 452/1/PRS-2	Amendment to rule 18 of the Rules, 1959.
4	16-12-1997	Letter No. GFP/1997/ 195/ C-5	Guiding principles for grant of parole in view of judgement of High Court.
5	6-7-1998	Circular No. RLP 4496/1/313/PRS-3	Guiding principles for grant of parole and furlough in view of judgement of the High Court.
6	10-7-1998	Circular No. PAR 4598/1/230/PRS-3	Refusal of parole in case of pendency of appeal before the higher court.
7	31-12-1968	Circular No. MISC 1065-2064-J	Guiding principles for release of prisoners on parole. (Gujrat)
8	8-8-1969	Circular No. MISC 1065-2064-J	Addition to above circular.
9	9-10-1992	Circular No. JLK/ 4388/ 184/ PZ/4	Non grant of parole to N D P S convicts(Gujarat)
10	26-10-1995	Letter No. V/ Judi/ 6537/1995	Non grant of parole to N D P S convicts(Gujarat)
11	17-10-1995	Circular No. JLK/ 4395/ 5654/4	Grant of parole in pending Appeal for convicts.

Important Circulars.

1.

Prisoner:

Prompt disposal of applications regarding release of-on parole on the ground of serious illness or death of their near relatives.

Government of Bombay.

Home Department.

Circular No. 4426/6.

Bombay Castle,

25th September 1950.

Circular.

Government has been received a number of applications for release of Prisoners on parole on account of serious illness or death of their near relatives and these application are at present being sent to the District Magistrates concerned for report whether the contents of these application are true, and if so, whether the release of the Prisoners is necessary. It has been observed that these reports are not being sent to Government promptly and take a long time. Though in many cases the contents of such application have, on enquiry, been found to be false, Government desires that all such application should be dealt with expeditiously so that in genuine cases the release of Prisoners may not be delayed.

2. In order to minimise the delay the substance of all such applications will henceforward be communicated, through wireless by Government, to the District Superintendents of Police concerned for enquiry and report. The District Superintendents of Police should cause enquiries to be made immediately and send the report to Government through the District Magistrate concerned within 4 days of the date of receipt of the wireless message from Government, if a Prisoner's near relative is really seriously ill or is dead and the Prisoner's release on parole is considered quite essential. An advance copy of the report in such cases should invariably be sent to Government. The District

Magistrate should also pass on the original report to Government immediately with his remarks. The Commissioner of Police, Bombay, should send his report to Government in such cases within 4 days of the date of receipt of the application from Government.

3. In most of such cases full details of the Prisoners concerned are not available with Government and therefore, their nominal rolls are at present being called for from the Inspector General of Prisons, State of Bombay. As this also involves delay, the nominal roll of a Prisoner will henceforth be called for from the Superintendent of the Jail direct if the name of the Jail is mentioned in the application. The Inspector General of Prisons is requested to issue instructions to the Superintendents of Jails that in such cases they should forward the nominal rolls to Government direct by return post.
4. All the District Magistrates and the District Superintendents of Police and the Inspector General of Prisons and the Commissioner of Police, Bombay, are requested to observe these instructions and to bring them to the notice of their subordinates, who have to deal with such application.
5. The Commissioner of Police, Bombay, is also requested to instruct the Officer-in-Charge of the Police Wireless Station at Bombay that on receipt of the wireless messages in such cases from Government they should be transmitted immediately to the District Superintendents of Police for whom they are intended.

By order and in the name of the Governor of Bombay,

(Signed).
Secretary to the
Government of Bombay,
Home Department.

2.

Prisoner:
Prompt disposal of applications
regarding release of - - on parole on
ground of serious illness or death of
their near relatives.

Government of Bombay.

Home Department.

Circular No.4428/6. Bombay Castle,

31st January 1951.

Circular.

With reference to Government Circular, No.4428/6 dated 25th September 1950, it has been pointed out by a District Superintendent of Police that, if the places where the Prisoner's relatives stay are far away from the Headquarters, then in such cases it will not be possible for the Police to make the necessary enquiry and send a report to Government within four days as directed in the Circular, unless the wireless messages sent by Government are repeated to Police. Sub-Inspectors concerned by telegrams or special men are sent from the Police Headquarters to make the necessary enquiry. Government considers that this difficulty is genuine and may have been felt in other Districts also. Government is therefore pleased to direct that in such cases the District Superintendents of Police may incur expenditure on sending special men or on sending to telegrams to the Police Sub-Inspectors concerned. The latter course should be resorted to only when the place is far away and no quicker means of transport are available to reach it, so that the special men if sent will not return in time with the necessary information.

2. The expenditure that may be required to be incurred in this connection should be met by District Superintendents of Police from their sanctioned grants.

By order and in the name of the Governor of Bombay,

(Signed)
Secretary to the
Government of Bombay,
Home Department.

3.

कैद्यांना फॅंगेल/ पॅरोलवाढ देण्याच्या नियमात
दुरुस्ति.

महाराष्ट्र शासन,

गृह विभाग,

शासन परिपत्रक क्रमांक पीओआर ४५८२/ १ / पीआरएस -२,

मंत्रालय, मुंबई - ४०० ०३२,

दि. २८ नोव्हेंबर १९८९.

परिपत्रक : मिशनर्स (बॉन्डे फॅलो अँड पॅरोल) रुल्स, १९५९ च्या नियम १८ (१) प्रमाणे खालील तीन प्रकरणात कैद्यांना पॅरोल/ पॅरोलवाढ देण्यास महाराष्ट्र शासन सक्षम आहे :-

- १) महाराष्ट्र राज्याबाहेरच्या कोर्टात शिक्षा झालेले परंतु ती शिक्षा महाराष्ट्र राज्याच्या कारागृहात भोगत असलेले कैदी,
- २) महाराष्ट्र राज्याच्या कोर्टात शिक्षा झालेले व ती शिक्षा महाराष्ट्र राज्याच्या बहेरच्या कारागृहात शिक्षा भोगत असलेले कैदी,
- ३) राजकीय कारणास्तव शिक्षा असलेले कैदी.

२. इतर प्रकरणात; म्हणजे महाराष्ट्र राज्यातील कोर्टात शिक्षा झालेले व ती शिक्षा महाराष्ट्र राज्याच्या कारागृहात भोगत असलेले कैदी ह्यांना पॅरोलवर सोडण्यात वा पॅरोलवाढ देण्यास वर नमूद केलेले नियमाच्या वा नियम १८(२) प्रमाणे विभागीय आयुक्त ज्यावेळेस ते मुख्यालयात हजर नसतील त्यावेळी सहाय्यक आयुक्त हेच सक्षम अधिकारी पंतु बऱ्याचशा प्रकरणात कैद्यांना विभागीय आयुक्तांनी पॅरोलवर सोडल्यानंतर ते कैदी पॅरोलवाढीसाठी सरळ शासनाकडे येऊ लागले व शासनाने त्यांना पॅरोलवाढ देण्याचे आदेश आयुक्तांना दिले. त्यामुळे काही प्रश्न निर्माण झाले म्हणून सदर पॅरोल नियमात शासन अधिसूचना दिनांक १४.७.८२ अन्वये पुढीलप्रमाणे सुधारणा करण्यात आली :-

- १) आधीच्या पॅरोल नियमातील प्रकरण १ हे हयाबाबत कैद्यांनी पॅरोल / पॅरोलवाढ देणे याबाबत महाराष्ट्र शासन हेच सक्षम राहील.
- २) इतर प्रकरणामध्ये कैद्यांना पॅरोल/ पॅरोलवाढ देण्यास महाराष्ट्र शासन तसेच विभागीय आयुक्त हे दोन्ही सक्षम अधिकारी असतील व ज्यावेळी विभागीय आयुक्त मुख्यालयात हजर नसतील तेव्हा सहाय्यक आयुक्त हे सक्षम अधिकारी आहेत. मात्र कैद्यांच्या पॅरोलवाढीप्रकरणी ज्या सक्षम अधिकाऱ्याने कैद्याला पॅरोलवर सोडले असेल तोच अधिकारी त्या कैद्याला पॅरोलवाढ देण्यास सक्षम असेल, म्हणजेच कैद्याला प्रथम पॅरोल जर आयुक्तांनी दिलेला असेल तर त्या कैद्याला पॅरोलवाढीचा विचार आयुक्तांनीच करायला पाहिजे. मात्र जर आयुक्तांनी पॅरोलवाढ देण्यास नाकारले आणि जर कैद्याने शासनाकडे त्या प्रकरणात अपील केले तर शासन जो निर्णय देईल तो निर्णय आयुक्तांवर बंधनकारक राहील.

३. परंतु वरील नियमाचे काटेकोरपणे पालन न केले गेल्याने काही वेळा पेचप्रसंग उद्भवू लागला. कारण आयुक्तांनी त्यांच्या अधिकारात ज्या कैद्यांना प्रथम पॅरोल दिला होता असे कैदी शासनाकडे पॅरोलवाढीसाठी यायला लागले व त्यावर शासन आयुक्त आदेश द्यायला लागले. अशा प्रकारे दुहेरी अधिकारी व्यवस्था ठेवल्यामुळे पॅरोल मंजूर करण्यामध्ये विसंगती निर्माण व्हायला लागली. तसेच एका कारणासाठी प्रथम पॅरोल मंजूर झाले असता दुसऱ्याच कारणासाठी व पोलीस अहवाल न घेता पॅरोलवाढ देण्याचे प्रकरण ही निदर्शनास आले. अशा प्रकारे पॅरोलवाढ देताना काही कालमर्यादेचेही बंधन ठेवले नसल्याने कैदी फार लांब काळासाठी पॅरोलवर म्हणजेच कारागृहाच्या बाहेर रहात होता व अनाधिकृतरीत्या बाहेर राहिलेल्या कैद्यांना पॅरोल काळ संपल्यावर कारागृहात हजर राहण्यासाठी पोलीसांकरवीही काही कठोर कारवाई होत नव्हती.
४. वरील सर्व बाबी लक्षात घेता सध्या अस्तित्वात असलेल्या पॅरोल नियमाला जास्त परिणामकारक रितीने अमलात आणण्याच्या दृष्टीने तसेच अधिकाराचे विकेंद्रीकरण हे शासनाचे धोरण शासनाने आता असा निर्णय घेतला आहे की, कैद्यांना पॅरोल मंजूर करण्यासाठी दुहेरी व्यवस्था न ठेवता फक्त विभागीय आयुक्त व त्यांच्या गैरहजेरीत अतिरिक्त विभागीय आयुक्त हे पॅरोल किंवा पॅरोलवाढ देण्यास सक्षम असतील व त्यांनी जर पॅरोल/पॅरोलवाढ नामंजूर केले तर संबंधित कैदी शासनाकडे अपील करू शकतील तसेच पोलीस अहवाल घेतल्याशिवाय कोणतेही पॅरोल/पॅरोलवाढ देण्यात येणार नाही. फक्त जवळच्या कोणी नातेवाईकांच्या मृत्युच्या वेळी कारागृह अधीक्षक पोलीस अहवाल न घेता पॅरोल देण्यास सक्षम राहील. तसेच पॅरोल/पॅरोलवाढ कोणत्या कारणासाठी देण्यात यावी. यावरही पुनर्विलोकन करून त्याप्रमाणे नियम सुधारण्यात आले आहे. काही कैदी नेहमी नेहमी पॅरोल/पॅरोलवाढ घेऊन बराच काळ कारागृहातून बाहेर राहतात. यावर निर्बंध घालण्याच्या दृष्टीने एकावेळी ३० दिवसापेक्षा जास्त पॅरोल रजा व एकूण पॅरोल ९० दिवसापेक्षा जास्त काळ असू नये असे ठरविलेले असून शेवटची पॅरोल रजेनंतर एक वर्षपर्यंत कैद्यांना पॅरोल रजा मंजूर करू नये असेही ठरविलेले आहे. वरील सर्व निर्णयाप्रमाणे नियमात दुरुस्ती केली असून त्याची प्रत यासोबत जोडली आहे. तरी सदर नवीन दुरुस्ती नियम लक्षात घेऊन यापुढे कार्यवाही करावी अशी सर्व संबंधितांना विनंती आहे.

उ. ज. नानावटी/- सही

उपसचिव, महाराष्ट्र शासन, गृह विभाग,

4.

मा. क्र. मीपकती/ १९९७. १९५, क्र. ५ (२).
कारागृह महानिरीक्षणालय, महाराष्ट्र राज्य
पुणे. ४११.००१,
दिनांक १६.१२. १९९७.

विषय :- अभिवचन रजा (पॅरोल) मंजूर व्हावी म्हणून बंदी क्र. ३११२ विलास वैजनाथ-
चव्हाण, खुलें जिल्हा कारागृह पैठण याने उच्च न्यायालयात दाखल केलेला अर्ज/
याचिका.

संदर्भ - मा. उच्च न्यायालय, औरंगाबाद खंडपीठ यांनी याचिका क्र. ४३३/९७ दिनांक
१०.११.१९९७ अन्वये दिलेले आदेश.

संदर्भात नमूद केलेल्या याचिका क्र. ४३३/९७, दिनांक १० नोव्हेंबर १९९७ ची प्रत सोबत
जोडली आहे.

उपरोक्त न्याय निर्णयात मा. न्यायाधिकांनी ही गोष्ट निर्देशनास आणली आहे की. प्राधिकृत
अधिकाऱ्याकडून बंधाची अभिवचन रजा नामंजूर झाल्यास संबंधित बंदी थेट न्यायालयाकडे धाव घेऊन
याचिका मादर करतात व ही कार्यपद्धती योग्य नाही.

तरी यासाठी खालील प्रमाणे मार्गदर्शनपर सूचना देण्यात येत आहेत :-

- १) कैद्यांना पॅरोल/ पॅरोलवाढ देण्याच्या नियमात दुरुस्त याबाबतचे महाराष्ट्र शासन, गृह-
विभाग परिपत्रक क्र. पीॲअर ४५८२/१/ पीॲअरएस -२, दिनांक २८ नोव्हेंबर १९८९
पुन्हा अवलोकन करावे (सोबत प्रत जोडली आहे).
- २) प्राधिकृत अधिकाऱ्याकडून बंधाची अभिवचन रजा नामंजूर झाल्यास त्यावर त्याने थेट
न्यायालयात अर्ज/ याचिका दाखल न करता ती शासनाच्या संबंधित विभागाकडे सादर
करावी. याबाबतची लेखी सूचना अधिकाऱ्यांनी संबंधित बंधास देऊन त्यावर त्याची
स्वाक्षरी घेऊन दफ्तरी ठेवावी.
- ३) अभिवचन रजा मिळण्याबाबत, ती मंजूर करणारे सक्षम अधिकारी व ती मंजूर करून
घेण्याची कार्यपद्धती इत्यादीची माहिती अधिकाऱ्यांनी बंधास देणे आवश्यक आहे. तसेच,
नामंजूर झालेल्या अभिवचन रजेच्या संदर्भात त्यावर अपील करण्याचा हक्क (बंधाची इच्छा
असल्यास) शासनाकडे अपील दाखल करणेबाबत लेखी सूचना अधिकाऱ्यांनी बंधास देणे
जरीचे आहे.
- ४) अभिवचन रजा नामंजूर झाल्यास ती मंजूर करून घेण्याबाबत बंधाने दाखल केलेली
याचिका/ अर्ज अधिकाऱ्यांनी थेट न्यायालयास सादर न करता प्रथम शासनाकडे ती आदेशा
साठी सादर करावी. कोणत्याही परिस्थितीत अभिवचन रजेच्या संदर्भात बंदी थेट
न्यायालयापाशी संपर्क साधणार नाही याची सावधानता अधिकाऱ्यांनी घेणे अत्यंत जरीचे
आहे.

(घ. जो. चौधरी)

कारागृह उपमहानिरीक्षक (मुख्यालय)

कारागृह महानिरीक्षणालय, महाराष्ट्र राज्य पुणे १.

महाराष्ट्र शासन,

गृह विभाग,

परि. क्र. आरजेअेलपी - ४४९६/ १/ ३१३/ पीआरएस-३,

दिनांक - ६ जुलै १९९८.

संदर्भ - १) शासन परिपत्रक, सम क्रमांक, दिनांक १८.४.९८

राज्यातील कारागृहातील कैद्यांनी मागणी केल्याप्रमाणे पॅरोल आणि फलौ रजा देण्यात येत नाही. पॅरोल रजा मिळण्याबाबत संबंधित पोलीस विभागाने दिलेल्या कारणांची गंभीरता लक्षात घेऊन पॅरोल मंजूर करावे किंवा नाही याबाबत योग्य तो निर्णय घ्यावा पण संश्लित रजा मंजूर करताना कैद्याबाबतचा सहानुभूतीपूर्वक विचार करण्यात यावा. याबाबत सन्माननीय न्यायालयानी शासनास वेळोवेळी मार्गदर्शक तत्वे न्यायनिवाड्याद्वारे दिलेली आहेत. त्या अनुगंगाने शासनाने वेळोवेळी मार्गदर्शक तत्वे संबंधित अधिकाऱ्यांच्या नजरेस आणलेले आहेत तरीसुध्दा कैद्यांना पॅरोल रजा अथवा फलौ रजा मंजूर करताना निर्देश केलेल्या तत्वांची अंमलबजावणी योग्य प्रकारे करण्यात येत नाही म्हणून पुन्हा एकदा खालील मार्गदर्शक तत्वे सर्व विभागीय आयुक्त आणि कारागृह अधिकाऱ्यांच्या नजरेस आणण्यात येत आहेत.

(अ) उच्च न्यायालयाने वेळोवेळी पॅरोल आणि फलौ रजा बांघांना मंजूर करण्याबाबत निर्णय/ मार्गदर्शक तत्वे देऊनही कैद्यांचे पॅरोल/ फलौ रजेबाबत गांभीर्याने विचार करण्यात येत नाही.

(ब) कारागृह उपमहानिरीक्षक किंवा विभागीय आयुक्त पातळीवर अनुक्रमे प्लौ व पॅरोल रजा मंजूर करणेबाबत कैद्यांची विनंती नाकारण्यात येते याबाबत प्रत्येक वेळी असे दिसून आले की, कैद्याने नमूद केलेल्या कारणांचा विचार केला जात नाही. केवळ विभागीय अधिकाऱ्यांकडून आलेल्या अहवालाच्या आधारे विनंती अमान्य करण्यात येते. विभागीय अधिकाऱ्यांचे अहवाल हे ठराविक साच्यात असून त्यात नकारात्मक भूमिका घेतलेली असते म्हणून काही बाबतीत कैद्यांनी किंवा त्यांच्या नातेवाईकांनी दाखल केलेल्या कागदपत्रांच्या गांभीर्याने विचार करून पॅरोल/ फलौ रजा मंजूर करण्याचा विचार करण्यात यावा याचा अर्थ असाही नाही की, प्रत्येक कैद्यास ही सवलत दिली गेली पाहिजे. पंतु ज्या कैद्यांची विनंती बाबत खरेपणा असल्याची खात्री होत असेल अशा कैद्यांना ही सवलत देण्यास हरकत नसावी.

(क) पॅरोल रजा मंजूर करणेही बंधनकारक नाही. पंतु फलौ रजा जरी बंधनकारक नसली तरी कैद्यांचा विचार सहानुभूतीपूर्वक करून त्यांच्या विनंती वर गुणात्मक दृष्ट्या (On Merit) विचार करून कारागृह उपमहानिरीक्षक यांनी निर्णय देण्यास हरकत नसावी. विभागीय उपमहानिरीक्षक कारागृह यांचेकडून सरसकट सर्व कैद्यांच्या फलौ रजेच्या विनंतीबाबतसुध्दा नकारात्मक भूमिका देण्यात येते त्यामुळे कैद्यांना अनावश्यक आणि अशक्य असूनही न्यायालयाकडे दाद मागावी लागते. म्हणून फलौ रजा मंजूर करताना शक्यतो सहानुभूती दाखविण्यात यावी.

(६) काही कैद्यांना गरज नसतानाही पुरेशा मसलेल्या कारणावरही या सवलती देण्यात येतात. परंतु काही कैद्यांनी दिलेल्या कारणात खरेपणा असूनही पॅरोल/ फलों रजेबाबतची विनंती अमान्य करण्यात येतात. त्या प्रमाणे विनंती अमान्य करताना कोणत्याही प्रकारचे कारण नमूद करण्यात येत नाही. त्यामुळे न्यायालयाला संबंधित प्राधिकाऱ्याकडून खुलासा मागवावा लागतो. म्हणून यापुढे पॅरोल/ फलों रजा नामंजूर करताना विनंती कोणत्या आधारावर नामंजूर केली हे कैद्याला सकारण कळविण्यात यावे. तसेच विभागीय आयुक्त अथवा कारागृह अधिकाऱ्यांनी काढलेल्या आदेशाची प्रत संबंधित कैद्याला मिळाली असल्याची प्रत्येक वेळी खात्री करून घ्यावी. सन्माननीय न्यायालयाने असे निर्देशनास आणले आहे की, केवळ आदेशाची प्रत मिळण्यासाठी न्यायालयाकडे कैद्यांना अर्ज करावा लागतो. ही बाब निश्चित योग्य नाही. म्हणून पॅरोल/ फलों रजा नामंजूर केल्यानंतर त्या आदेशाची प्रत कैद्यास देण्यात यावी व प्रत मिळाल्याबाबत सदर कैद्याची सही घेण्यात यावी.

आदरणीय उच्च न्यायालयाच्या आदेशांची अंमलबजावणी करण्यात यावी तसेच कारागृहातील कैद्यांना केवळ आदेशाची प्रत मिळाली म्हणून अथवा योग्य कालावधीत निर्णय कळविण्यात आला नाही म्हणून न्यायालयात जाण्याचा प्रसंग येणार नाही याची कृपया दक्षता घेण्यात यावी. कैद्याने जर शासनाकडे पॅरोल अथवा फलों रजेकरिता अपील दाखल केले असेल तर त्या कैद्यासंबंधीत माहिती सोबतच्या तक्त्याप्रमाणे भरून शासनास पाठवावी. म्हणजे जेणेकरून शासन स्तरावरून कैद्याच्या अपीलाचा विचार करणे शक्य होईल.

(सी. बी. चौधरी)

अवर सचिव, गृह विभाग

पॅरोल मंजूर करण्यासाठी तपासणीसाठी पुरे

- | | |
|---|----|
| (१) कैद्याचे नांव आणि वय | :- |
| (२) कारागृहाचे नांव | :- |
| कथीपासून कारागृहात आहे | :- |
| (३) कायमस्वरूपी पत्ता | :- |
| (४) पॅरोलच्या कालावधीत कोणत्या ठिकाणी राहणार आहे, तेथील पूर्ण पत्ता | :- |
| (५) कोणत्या गुन्हाखाली शिक्षा झाली आहे, कलमांसह तपशिल द्यावा | :- |
| (६) त्या अधिनियमांच्या तरतुदीनुसार पॅरोल मंजूर करण्याचा अधिकार आहे काय, | :- |
| (७) कैद्याने शिक्षेविरुद्ध अपील केलेले आहे काय, असल्यास, त्याचा तपशील | :- |

प्रतात.
विनंती
कागण
लासा
गुप्त्या
गुर्युक्त
लाली
गानास
गुरावा
र त्या
ण्यात

- (८) कैद्याने शिक्षेच्या विरुद्ध केलेल्या :—
अपीलाव्यतिरिक्त इतरही कांही अपील केले
असल्यास त्याचा तपशील
- (९) कैद्याचे एखादे प्रकरण सध्या न्यायालयात :—
प्रलंबित आहे काय, असल्यास, त्याचा तपशील
- (१०) विभागीय आयुक्तांनी पॅरोल नामंजुर केला :—
असल्यास त्याची कारणे
- (११) कैद्याने शासनाकडे पॅरोलसाठी केलेल्या :—
अर्जाबाबत कारागृह अधीक्षक/ विभागीय
आयुक्तांचे अभिप्राय.

6.

शिक्षे विरुद्ध अपील उच्चस्तरीय न्यायालयात
प्रस्तावित असल्यास पॅरोल मंजूर न करण्याबाबत.

महाराष्ट्र शासन

शासन परिपत्रक

क्रमांक - पीओआर - ४५९८/१/२३०/ पीओआरएस -३.

गृह विभाग, मंत्रालय, मुंबई - ४०० ०३२.

दिनांक : १० जुलै १९९८.

- वाचावे :- १) शासन परिपत्रक गृह विभाग क्र. पीओआर - ४५८३/३/ (७१२)/ पीओआरएस
- ३, दिनांक १७.९.१९८५.
- २) शासन पत्र, गृह विभाग, क्र. एफयुआर - १०८६/ ३/ २९२/ पीओआरएस.
-३, दिनांक ७.७.१९८८.
- ३) कारागृह महानिरीक्षक, महाराष्ट्र राज्य पुणे, यांचे क्र. जीपीएफ - १९८५/
३९३४२/ क्र. -५, दिनांक १७.१०.१९८५ आणि २८.७.८८ ची पत्रे.
- ४) शासन पत्र, गृह विभाग, क्रमांक - एफयुआर - १०८६/ ३/ २९२/
पीओआरएस -३, दिनांक ३०.३. ९८.,

परिपत्रक :- मा. मुंबई उच्च न्यायालयाने फौजदारी याचिका क्र. ५४७/ १९८४ मध्ये असे
आदेश दिले आहे की, बंधाचे अपील न्यायालयात प्रलंबित असल्यास आणि ज्यावेळेस ही बाब
न्यायालयाया स्वाधिकारात असते अशावेळी फौजदारी प्रक्रिया संहितेच्या कलम ३८९ प्रमाणे योग्य ते

तील
नाही
कडे
च्या
चार

आदेश देण्यास न्यायालय सक्षम असताना दि. प्रिन्स (बॉम्बे फ्लो ऑण्ड पॅरोल) रुल्स १९५९ प्रमाणे त्या बंधास अभिचन (Parole) रजा मंजूर करता येणार नाही.

२. वरील आदेश हे ज्या बंधाना निम्नस्तरीय न्यायालयाने शिक्षा दिलेली असून त्या शिक्षेविरुद्ध त्यांचे अपील त्या न्यायालयापेक्षा उच्चस्तरीय न्यायालयात प्रलंबित असेल अशा बंधांच्या प्रकरणी लागू होतील आणि शासन पत्र, गृह विभाग, क्रमांक पीएआर - ४५८४ /३१ (७१२)/ पीआरएस -३, दिनांक १७.१२.८५ अन्वये अशा बंधांना संबंधित प्राधिकाऱ्यांनी यापुढे पॅरोल मंजूर करू नये असे आदेश देण्यांत आलेले होते. तसेच त्या बंधाचे दुसरे एखादे प्रकरण न्यायालयात प्रलंबित असेल अशा बंधांच्या बाबतही हे आदेश लागू असावेत असे नमूद करण्यांत आले होते.

३. काही बंदी अपिलीय न्यायालयात परस्पर अपील दाखल करतात त्याबाबतची माहिती कारागृह अधिकाऱ्यांना नसते म्हणून अशा बंधांकडून अपील प्रलंबित नसल्याची लेखी हमी घेण्यांत यावी.

४. वरील आदेश हे कैद्यांना संचित रजा मंजूर करतानाही लागू करावेत असे वरील दि. ७.७.८८ च्या शासन पत्रान्वये कारागृह महानिरीक्षक यांना कळविण्यांत आले होते. याप्रमाणे कारागृह महानिरीक्षक यांनी त्यांचे पत्र क्र. जीपीएफ - १९८५/ ३९३४२/क-५, दि. २८.७.८८ अन्वये आदेश काढलेले होते. परंतु हे आदेश फक्त पॅरोल मंजूर करताना विचारात घेण्यांत यावेत असे उच्च न्यायालयाने एक प्रकरणी निर्देश दिल्यामुळे शासन पत्र गृह विभाग, क्र. एफयुआर - १०८६/ ३/- २९२/ पीआरएस - ३, दिनांक ३०.३.१९९८ च्या आदेशाप्रमाणे कारागृह महानिरीक्षक यांनी त्यांचे दिनांक २८.७.८८ चे आदेश मागे घेण्यांत यावेत असे कळविण्यांत आले म्हणून शासन पत्र, गृह विभाग, क्रमांक - पीएआर - ४५८४/३/ (७१२)/ पीआरएस -३, दिनांक १७.९.८५ चे आदेश बंधास फक्त पॅरोल मंजूर करताना लागू होतील.

५. अशाच प्रकारचे एक प्रकरण मा. उच्च न्यायालय खंडपीठ, औरंगाबाद यांच्यापुढे दिनांक ३० जून १९९८ रोजी सुनावणीसाठी आले असता सन्माननीय उच्च न्यायालयाने असे आदेश दिले की, वरील परिच्छेदांमधील नमूद केलेल्याप्रमाणे फौजदारी याचिका क्र. ५४७/८४ मध्ये न्यायालयाने दिलेल्या आदेशाचे काटेकोरपणे पालन करण्यांत यावे. म्हणून विभागीय आयुक्त आणि संबंधित कारागृह अधिकारी यांनी शासनपत्र, गृह विभाग, क्र. पीएआर ४५८४/३ (७१२)/ पीआरएस -३, दिनांक १७.९.१९८५ च्या आदेशाची काटेकोरपणे अंमलबजावणी करावी.

(ह. भि. तायडे)

उप सचिव, गृह विभाग, महाराष्ट्र शासन

7.

Guiding principle for the release of prisoners on parole.

Government of Gujarat

Home Department

No. MISC-1065-2064-J

Sachivalaya, Ahmedabad-15.

Dated the 31st Dec.1968.

As provided in rule 19 of Prisons (Bombay Furlough and Parole) Rules, 1959, a Prisoner is released on parole in case of serious illness or death of any member of the Prisoner's family or of his nearest relatives or for any other sufficient cause. It is for the competent authority to decide whether a particular cause mentioned in the application for parole is sufficient or not. It is however considered necessary to lay down certain "do" and "don't" for the guidance of the competent authority. Government is therefore pleased to direct that the following causes should be considered sufficient cause for grant of parole:-

- (a) Marriage of the prisoner himself or any of his Children and the marten of the Prisoner's sister if he has no living father.
- (b) Academic examination of the Prisoner in pursuance and preparation of any educational course, eg. S S C., Prauniversity, Intermediate, Degree, Post Degree, Diploma.
- (c) Settlement of a dispute with regard to any immovable property of the prisoner if his presence outside is considered necessary.
- (d) Attendance at major operation on any relative of the Prisoner from amongst his father, mother, wife, son or daughter if there is no other male member except the Prisoner to attend.
- (e) Death of father, mother, wife, non, daughter, brother or unmarried sister.
- (f) His serious illness where outside free athomphere treatment may be better and if it is no requested by relatives.

By order and in the name of Governor of Gujarat,

Under Secretary to the
Government of Gujarat
Home Department.

8.

Guiding Principles for the release of
Prisoners on parole.

Government of Gujarat,

Home Department
No.MISC-1065/POG4-J,
Sachivalaya, Ahmedabad-15.

Dated the 8th August,1989.

Circular

Government has prescribed some guiding principles for the release of Prisoners on parole under Government Circular, Home Department o. MISC- 1065/2064-J, at the 31st December 1968. In addition to the causes mentioned therein, Government is pleased to direct that the following causes should also be considered as sufficient for grant of parole:-

- (1) Serious sickness of Prisoner's mother, father, brother, sister, wife and children.
- (2) Construction of house or management of properties only if same are damaged due to natural calamities like floods, fire, etc., and not otherwise in routine course.
- (3) However some cases may be peculiar where discretion can be used by the sanctioning authority in grant of parole.

By order and in the name of the Governor of Gujarat,

(H.C. Anjaria)
Under Secretary to the
Government of Gujarat
Home Department.

ଲେଖକଙ୍କ
ହସ୍ତାକ୍ଷର

ପ୍ରତିମା ୨୦୧୫ ମସିହା ୧୨ ମଇ ୨୦୧୫

ମୁଖ୍ୟମନ୍ତ୍ରୀଙ୍କୁ ଶ୍ରଦ୍ଧାଞ୍ଜଳି ପଠାଉଛି ଏବଂ ସମସ୍ତଙ୍କୁ ଶ୍ରଦ୍ଧାଞ୍ଜଳି ପଢ଼ିବାକୁ ଅନୁରୋଧ କରୁଛି । ମୁଖ୍ୟମନ୍ତ୍ରୀଙ୍କୁ ଶ୍ରଦ୍ଧାଞ୍ଜଳି ପଠାଉଛି ଏବଂ ସମସ୍ତଙ୍କୁ ଶ୍ରଦ୍ଧାଞ୍ଜଳି ପଢ଼ିବାକୁ ଅନୁରୋଧ କରୁଛି । ମୁଖ୍ୟମନ୍ତ୍ରୀଙ୍କୁ ଶ୍ରଦ୍ଧାଞ୍ଜଳି ପଠାଉଛି ଏବଂ ସମସ୍ତଙ୍କୁ ଶ୍ରଦ୍ଧାଞ୍ଜଳି ପଢ଼ିବାକୁ ଅନୁରୋଧ କରୁଛି ।

(୧) ମୁଖ୍ୟମନ୍ତ୍ରୀଙ୍କୁ ଶ୍ରଦ୍ଧାଞ୍ଜଳି ପଠାଉଛି ଏବଂ ସମସ୍ତଙ୍କୁ ଶ୍ରଦ୍ଧାଞ୍ଜଳି ପଢ଼ିବାକୁ ଅନୁରୋଧ କରୁଛି ।

(୨) ମୁଖ୍ୟମନ୍ତ୍ରୀଙ୍କୁ ଶ୍ରଦ୍ଧାଞ୍ଜଳି ପଠାଉଛି ଏବଂ ସମସ୍ତଙ୍କୁ ଶ୍ରଦ୍ଧାଞ୍ଜଳି ପଢ଼ିବାକୁ ଅନୁରୋଧ କରୁଛି ।

ମୁଖ୍ୟମନ୍ତ୍ରୀଙ୍କୁ ଶ୍ରଦ୍ଧାଞ୍ଜଳି ପଠାଉଛି ଏବଂ ସମସ୍ତଙ୍କୁ ଶ୍ରଦ୍ଧାଞ୍ଜଳି ପଢ଼ିବାକୁ ଅନୁରୋଧ କରୁଛି । ମୁଖ୍ୟମନ୍ତ୍ରୀଙ୍କୁ ଶ୍ରଦ୍ଧାଞ୍ଜଳି ପଠାଉଛି ଏବଂ ସମସ୍ତଙ୍କୁ ଶ୍ରଦ୍ଧାଞ୍ଜଳି ପଢ଼ିବାକୁ ଅନୁରୋଧ କରୁଛି । ମୁଖ୍ୟମନ୍ତ୍ରୀଙ୍କୁ ଶ୍ରଦ୍ଧାଞ୍ଜଳି ପଠାଉଛି ଏବଂ ସମସ୍ତଙ୍କୁ ଶ୍ରଦ୍ଧାଞ୍ଜଳି ପଢ଼ିବାକୁ ଅନୁରୋଧ କରୁଛି ।

:- ଶ୍ରୀ

୧୯୯୯, ୧୯୯୯, ୧୯୯୯

୧୯୯୯, ୧୯୯୯, ୧୯୯୯

ଲେଖକଙ୍କ

୧୯୯୯, ୧୯୯୯, ୧୯୯୯

୧୯୯୯, ୧୯୯୯, ୧୯୯୯

6

୧୯୯୯, ୧୯୯୯, ୧୯୯୯

୧୯୯୯, ୧୯୯୯, ୧୯୯୯

20-06-2014 31613ክሮ 'ሠላሳይገሰገሰ
 'ሰነድ ለሰነድ' ለሰነድ ሰነድ 'የገሰገሰ' ሰነድ
 'ሠላሳይ ሰነድ' 'የገሰገሰ' ሰነድ ሰነድ
 ሰነድ ሰነድ ሰነድ ሰነድ ሰነድ ሰነድ ሰነድ
 'ሰነድ' / 'ሰነድ' / 'ሰነድ' / 'ሰነድ' ሰነድ

10

-Ե-Թ ՊԸ Զ/ԶԴԵ/ՕԴԸԶ/ԳԵՄԹ : ԳԼԽԳ ԷԽԶՅԻ ԻՌՈՒԽԵՅ ԶԻՇ ԽԱՋԻԳԻԶԷ

[illegible][illegible][illegible]

31.11.2019 'የግልጽ ሀገራዊ
 'ድህረ-መገጽ ሪፖርት' ስብሰባ
 ተካላል፡፡ ያለፈውን ስብሰባ ይታይ፡፡

★
Index

Adverse police opinion	...	11
Aims and objects	...	3
Bombay Prohibition Act	...	10
Breach of condition for furlough.	...	19
Circulars	...	43
Cash security	...	34
COFEPOSA	...	25
Conditions for release on furlough/parole	...	17, 28
Declaration before release on furlough	...	19
Distinction between parole and furlough	...	4
Enquiries	...	28
Extension of furlough	...	20
Extension of parole	29
Forms:	...	31
Furlough	...	5
Intimation of release	...	20, 30
Journey expenses	...	20
MISA	...	25
N D P S Act	...	14
Parole	...	22
Personal Bond	...	15, 33
Preventive Detention	...	25
Remission	...	21, 26
Repeal	...	31
Right to furlough.	...	22
Sanctioning Authority	...	5
Surety Bond	...	32
Surrender of Prisoners	...	21
Unsatisfactory conduct	...	12

★

Table Of Cases

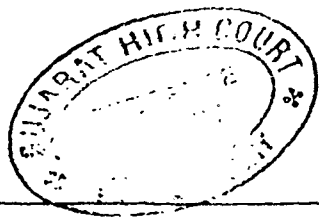
Abdul Latif -Vs- State of Gujarat, 1987 (2) G L R 837.	26
Ala Ramji -Vs- State of Gujarat, 1991 (2) G L R 722 = 1992 Cri L J 867.	26
Amritbhai -Vs- State of Gujarat, Cri L R (Guj) 233 = 1987 (2) G L R 826.	27
Atulji -Vs- State of Gujarat, 1984 G L H 139.	13
Babubhai -Vs- State of Gujarat, 1989(2) G L R 820.	11
Babubhai Unkabhai -Vs- State of Gujarat, 1987 (2) G L R 887.	25
Balwant -Vs- State of Maharashtra, Cri W P No. 136 of 1994 decided on 10-8-1994.	15
Bhanuprasad -Vs- State of Gujarat, 1987 (2) G L R 778.	19
Bharat-Vs- State of Maharashtra, Cri W P No.235 of 1997 decided on 21-10-1997.	12
Bhikabhai-Vs- State of Gujarat, A I R 1987 Guj 136-FB= 1987 Cri L J 1932=1987 Cri L R (Mah)151=1987 (2) G L R 1178=(1987) 1 G L H 139.	3, 5, 13
Bhipat -Vs- State of Gujarat 1987 Cri L R (Guj) 257= 1987 (1) G L R 596.	14
Central Prison -Vs- State of Gujarat, 1993 Cri L R 304.	11
Chandrakant B Pawar -Vs- State of Maharashtra, 1996(2) Mah. L R 269.	10
Chimanrao -Vs- State of Gujarat, 1985 (1) G L R 452 = 1985 Cri L R (Guj) 211.	29
Gorakh -Vs- Government of Maharashtra 1993, Mah L J 1423.	10
Hansaben -Vs- Union of India, (1994) 4 S C C 148 = 1994 S C C (Cri) 836.	26
Hasmukh -Vs- State of Gujarat, Cri L R (Guj) 273 = 1995 (1) G L R 726.	23
Ishwarsinh-Vs- State of Gujarat, 1990 (2) G L R 1365.	4, 14
Jayant V Shetty -Vs- State of Maharashtra, 1986 Cri L J 1298 =1986 (1) Bom C R 311 =1986 Mah L R 431.	7, 24

Jina Mohan -Vs- State of Gujarat. 1987 (2) G L R 955.	8
Juvansinh -Vs- State of Gujarat. 1973 GLR 104	9
Kamleshkumar -Vs- Union of India.. 1995 Supp (3) S C C 732 = 1996 S C C (Cri) 86.	26
Khimji -Vs- State of Gujarat 1991 Cri L R (Guj) 513 = 1991 (1) G L R 345.	12
Krishan Lal -Vs- State of Delhi. 1976 S C C (Cri) 146.	26
Maganbhai -Vs- State of Gujarat 1994 Cri L R (Guj) 379.	12
Motisinh -Vs- State of Gujarat. 1994 Cri L R (Guj) 396= 1994 (2) G L R 1445.	14
Narsinh -Vs- State of Gujarat. 1988 Cri L R (Guj) 505= 1988 (2) G L R 1268.	11
Natia Jiria -Vs- State of Gujarat. 1984 Cri L J 936 = 1984 (1) G L R 464.	18, 29
Nijar -Vs- State of Gujarat. 1990 Cri L R (Guj) 374.	11
Poonam Lata -Vs- M L Wadhawan, (1987) 3 S C C 347 = 1987 S C C (Cri) 506 = A I R 1987 S C 1383 = 1987 Cri L J 1130.	4, 25
Prahlad D Gajbhiye -Vs- State of Maharashtra, 1994 Mah L J 1584=1994 Cri L J 2555.	4, 7
Pushapadevi -Vs- Wadhawan, (1987) 3 S C C 367 = 1987 S C C (Cri) 526 = A I R 1987 S C 1748 = 1987 Cri L J 1888.	4, 25
Ramaswamy -Vs- Govt of A P, 1997 Cri L J 3256.	28
Ramesh -Vs- State of Gujarat, 1989 (2) G L R 850.	6
Rodaji Mahaji -Vs- State of Gujarat, 1991 (1) G L R 648 = 1991 Cri L R (Guj) 318.	14
Samir Chaterjee -Vs- State of W B, 1975 S C C (Cri) 340 = (1975) 1 S C C 801 = 1975 Cri L J 939.	25
Shakunatala Devi -Vs- State, 1996 Cri L J 2954.	26
Sharad Bhiku-Vs- State of Maharashtra, 1990 (3) Bom C R 633=1991 Cri L J 2109.	7, 10, 24
Sharad K Mehta -Vs- State of Maharashtra, 1989 Cri L J 681.	10
Sheikh Salim -Vs- State of Maharashtra, 1996(1) Mah L J 843.	14
Shivraj -Vs- State of Maharashtra, 1993 (3) Bom C R 717.	28

Table Of Cases

63

Sunil -Vs- Union of India, (1989) 3 S C C 236 = 1989 S C C (Cri) 552 = A I R 1989 1529 = 1989 Cri L J 1489.	25
Surresh Chandra -Vs- State of Gujarat, 1976 S C C (Cri) 145 = 1976 Cri L J 1890 = A I R 1976 S C 2462.	26
Tara Chand -Vs- State of Rajasthan, 1990 (Supp) S C C 56. = 1990 SCC (Cri) 608 (I).	26
Vallabha -Vs- Commissioner of Police, 1989 Cri L J 2262.	11



*

Abbreviations

A I R	...	All India Reporter
Bom C R	...	Bombay Cases Reporter
Cri L J	...	Criminal Law Journal
Cri L R	...	Criminal Law Reporter
D B	...	Division Bench
F B	...	Full Bench
G L H	...	Gujarat Law Herald
G L R	...	Gujarat Law Reporter
Mah L J	...	Maharashtra Law Journal
Mah L R	...	Maharashtra Law Reporter
S C	...	Supreme Court
S C C	...	Supreme Court Cases
S C C (Cri)	...	Supreme Court Cases (Criminal)