

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 378 OF 2015

Milind @ Majoj @ Shahrukh Khan
s/o. Mahadu Thorat

....Petitioner.

Versus

The State of Maharashtra & Anr.

....Respondents.

Mr. R.D. Sanap, Advocate for petitioner.

Mrs. R.K. Ladda, APP for respondents.

**CORAM : T.V. NALAWADE &
SMT. I.K. JAIN, JJ.**

DATED : 13th April, 2015.

ORDER :

1. The petition is filed by convict for quashing of the order made by D.I.G. Prison, Central Zone, Aurangabad on his furlough application. The application is rejected by the authority. Both the sides are heard.

2. The petitioner is convicted and sentenced for offence punishable under section 376 of I.P.C. and the sentence of imprisonment of 7 years is given. The judgment was delivered on 22.06.2011 and since the date of decision, he has been behind bars. The affidavit in reply shows that the petitioner was released on parole leave on 23.9.2011 by the authority and the extension of parole leave was also given. Thus, total parole leave of 90 days was given in view of the order made on 10.9.2011,

but the petitioner did not surrender to jail authority on 23.12.2011 when the period of parole leave expired. He was required to be arrested and brought back to the jail and he could be brought back on 29.3.2013. Thus, he was absconding for about 462 days after the expiry of parole leave period on the first occasion. In spite of this circumstance, again he was released on parole on 15.5.2014 as per the order dated 2.5.2014. This time also the extension of parole was given and parole leave of 90 days was sanctioned. He was expected to surrender to jail on 14.8.2014, but he did not surrender to jail and he absconded for about 11 days more.

3. In view of the the aforesaid circumstances, though there was positive report from police, the authority refused to grant him furlough. The authority has referred the provisions of Prison Rules due to which such convict is not entitled to get furlough. In view of the reasons given and the aforesaid circumstances, this Court holds that it is not possible to interfere in the order made by the authority.

4. In the result, the petition stands dismissed.

[SMT. I.K. JAIN, J.]

[T.V. NALAWADE, J.]

SSC/