

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

APPELLATE SIDE JURISDICTION

CRIMINAL WRIT PETITION NO. 1170 OF 2015

Bhausahab s/o Ankush Gadhe,
Age major, occ. Convict No. C-8447,
R/o at present Central Prison Nashik Road,
Aurangabad, Dist. Aurangabad.
Nashik, Dist. Nashik

... **PETITIONER**

VERSUS

- 1] The State of Maharashtra,
Through Secretary, Home Department,
Mantralaya, Mumbai-32,
- 2] The Inspector-General/
Deputy Inspector-General
of Prison, Central Prison,
Aurangabad,
- 3] The Superintendent of Police,
Office of Superintendent of Police,
Central Prison, Nashik Road,
Nashik, Dist. Nashik

... **RESPONDENTS**

Mr. V.P.Kadam, advocate (appointed) for Petitioner.

Mr.A.S.Shinde, APP for Respondent / State

**CORAM : A.B.CHAUDHARI &
INDIRA K. JAIN, JJ.**
DATED : 21st October, 2015.

JUDGMENT: [Per Indira K.Jain, J.]

1] Rule. Rule is made returnable forthwith. Heard with the consent of the learned counsel for the parties.

2] The subject matter of present petition is challenge to the order dated 1.6..2015, passed by respondent no.2, Deputy Inspector General of Prisons, Central Prison, Aurangabad, rejecting the application for furlough leave to the petitioner and quashing and setting aside the same.

3] Pursuant to the notice issued by this court, respondent no.3 filed affidavit in reply. It is stated that police report is against the petitioner. On earlier occasion when he was released he did not surrender on scheduled date and was arrested after 194 days.

4] We have heard the learned counsel for the parties and examined the record. It is not in dispute that after over stay petitioner was arrested after 194 days.

5] It can be seen from affidavit in reply that petitioner is a convict in a case under Section 302 r/w 34 of the Indian Penal Code

and serving his life sentence in the prison. Petitioner has attempted to escape from the prison on 3.8.2014 and Criminal Case vide Crime No. 3127 of 2014 under Section 224 of the Indian Penal Code has been registered against him at Nashik Road police station.

6] In the above premise, we find that the reasons recorded by respondent no.2 for rejecting application to grant furlough leave to the petitioner are legal, correct and in accordance with the Rules. In that view of the matter, we are not inclined to allow the petition.

7] Criminal Writ Petition No. 1170 of 2015 stands dismissed. Rule is discharged. No order as to costs.

8] Fees of the learned counsel appointed is quantified at Rs.1,500/- (Rs. One Thousand Five Hundred Only).

[INDIRA K. JAIN, J.]

[A.B.CHAUDHARI, J.]

dbm/crwp1170.15