

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

CRIMINAL WRIT PETITION NO.2 OF 2015

(Yogendra Subhash Usare vs. The Superintendent, Central Prison and another)

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Office Notes, Office Memoranda of  
Coram, appearances, Court's orders    Court's or Judge's orders  
or directions and Registrar's orders.

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Shri P.K. Dahat, Advocate (appointed) for petitioner.  
Ms. N.R. Tripathi, Additional Public Prosecutor for  
respondents.

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CORAM :    A.B. CHAUDHARI AND  
                  P.N. DESHMUKH, JJ.

DATED :    FEBRUARY 10, 2015

The petitioner has approached this Court  
being aggrieved by rejection of his application for  
furlough.

The petitioner appears to be undergoing  
sentence of ten years' imprisonment for the offence  
punishable under Section 304 of Indian Penal Code.

Heard learned Counsel for both the sides and  
perused the affidavit-in-reply filed by respondents  
wherefrom it appears that application of petitioner for  
furlough came to be rejected considering adverse Police

report. It is revealed from the affidavit-in-reply of respondents that Police report was not in favour of petitioner and Police Authority had not recommended release of petitioner on furlough. However, the said statement does not appear to be correct as Police report dated 12/9/2014 of Additional Superintendent of Police, Amravati (Rural) reveals that the Police had not objected for release of petitioner on furlough.

We find that earlier when petitioner was released on furlough and parole, he was required to be arrested and brought back in prison after the period of 68 days and 459 days respectively. Considering the said aspect, we find that petitioner without any reason while on leave earlier deliberately over-stayed and as such, violated the Prison Rules. In view of this, we find no substance in the criminal writ petition and hence, the same is dismissed.

The fee payable to the learned Counsel appointed for the petitioner is quantified as rupees fifteen hundred.

JUDGE

JUDGE