

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

CRIMINAL WRIT PETITION No.114 of 2015

Pir Mohd. @ Munna Siddiqi Ansari (In Jail)

-Versus -

The D .I.G. Prison (E) (R), Nagpur and another.

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Ms. Sonali Sawaree, appointed Advocate for petitioner.
Mr. T.A. Mirza , APP for respondents

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

DATED : 11th March, 2015.

1. The petitioner has approached this court being aggrieved by the rejection of his application for grant of furlough leave by the competent authority by the impugned order dated 24.9.2014.

2. Heard learned counsel for both the sides. Perused the affidavit-in-reply. We find that the petitioner is undergoing imprisonment for 7 years for the offence under section 304 of the Indian Penal Code by judgment dated 30.12.2010 and that his application for leave came to be rejected on considering adverse police report. We have noted that earlier when petitioner was released on Furlough Leave and Parole Leave, he surrendered late by 22 days, and 3 days respectively and while on parole leave was required to be arrested and brought back to prison. In view of the above facts we find it necessary to note that the Division Bench of this Court in the case of **Murlidhar Ramchandra Bhalerao Vs. State of Maharashtra and others** reported in **2011 All M.R. (Cri) 2132** has held that if the petitioner released on furlough and parole leave was required to be arrested for bringing back to prison, he is not entitled to be released on furlough and parole leave again. In that view of the matter, if petitioner was required to be arrested, we find no substance in the petition. Hence,

the following order.

ORDER.

1. Criminal Writ Petition No. 114/2015 is dismissed.
2. Fees to be paid to the appointed counsel is quantified as Rs.1,500/-.

JUDGE

JUDGE

Hirekhan