

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

CRIMINAL WRIT PETITION No.132 of 2015

Nandu @ Devenand Keshavrao Duddbaware (In Jail)

-**Versus** -

The Divisional Commissioner, Nagpur Division, Nagpur and 1 others.

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

Court's or Judge's Orders

Shri Mir Nagman Ali, Advocate for petitioner.
 Mrs. M.H. Deshmukh, 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 parole leave by the competent authority by the impugned order dated 28.1.2015.

2. Heard learned counsel for both the sides. Perused the affidavit-in-reply. We find that the petitioner is undergoing life imprisonment for the offence under section 302 of the Indian Penal Code and had applied for grant of parole leave for 30 days on the ground of illness of his mother, vide his application dated 5.12.2014 which came to be rejected on considering adverse police report, as according to it, on earlier occasion when petitioner was released on leave, he overstayed for 248 days and was arrested and brought back to prison. In that view of the matter 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, as the petitioner was required to be arrested, the petition is liable to be rejected. Hence, the

following order.

ORDER.

1. Criminal Writ Petition No. 132/2015 is dismissed.

JUDGE

JUDGE

Hirekhan