

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

CRIMINAL WRIT PETITION NO.202 OF 2015

Vinod Vinayak Chore

:: VERSUS ::

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

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

Court's or Judge's order

**Ms. Archana Ramteke, Counsel for the Petitioner
(Appointed).**

Shri V.A. Thakare, APP for the Respondents.

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

DATE : APRIL 27, 2015

1. Heard learned counsel appearing for both the parties.

2. The petitioner has approached this Court being aggrieved by impugned order dated 23.1.2015 passed by respondent No.1 / The D.I.G. Prison, Nagpur, whereby the application filed by the petitioner for grant of Furlough leave, as regards visitation to his family, has been rejected.

3. We have heard Ms. Archana Ramteke, learned counsel (appointed) for the petitioner, Shri V.A. Thakre, learned Additional Public Prosecutor for the respondents so also gone through the affidavit-in-reply filed on behalf of

respondent No.2.

4. It has been noted in affidavit-in-reply that the petitioner has been undergoing sentence for life imprisonment for the offence punishable under Section 302 of the Indian Penal Code. It is to be noted that the petitioner has applied for Furlough leave through the Nagpur Central Prison as regards visitation to his family. Respondent No.2, in respect thereto, has called for the police report from the concerned police station which is in favour of the petitioner. However, the competent Authority, while considering his earlier applications for grant of leave of Parole and Furlough, has rejected the application, in question, for grant of Furlough leave inasmuch as the petitioner had failed to surrender himself on due date.

From the chart, annexed to the affidavit-in-reply, we have noted that earlier when the petitioner had been released on Furlough leave, he had overstayed for 664 days and he was required to be arrested to bring back to the prison. Resultantly, the application of the petitioner for grant of Furlough leave came to be rejected by the impugned order.

5. The Division Bench of this Court in the cases of **Murlidhar Ramchandra Bhalerao ...vs... State of Maharashtra and another**, reported at **2011 All MR (Cri) 2132** and **Ramchandra Raghu Naik ...vs... State of**

Maharashtra, reported at **2005 All MR (Cri) 1919** has taken a view that if a prisoner does not return back to the custody and is required to be arrested by the Police for securing his custody, such a prisoner is not entitled to the benefits of Rule 4 of the Prisons (Bombay Furlough and Parole) Rules, 1959.

6. In view of the view taken by the Division Bench of this Court in the cases cited *supra*, we find that the petitioner is not entitled for grant of Furlough leave.

7. In that view of the matter, since we find no reason to interfere with the impugned order, this Court passes the following order :

ORDER

i) Criminal Writ Petition No.202 of 2015 is dismissed.

ii) The fees payable to the learned Counsel for the petitioner (appointed) are quantified at Rs.1,500/- (Rupees One Thousand Five Hundred Only).

JUDGE

JUDGE

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