

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

CRIMINAL WRIT PETITION NO. 230 OF 2015.

Sachin Kashinath Ingle ..vs.. The State of Mah. and anr.

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

Court's or Judge's orders

Mr.N.H.Samundre, Adv. for the petitioner.
Ms.P.D.Rane, APP for the respondents.

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

DATED : MAY 05, 2015.

1. Petitioner has approached this Court being aggrieved by rejection of his parole leave by impugned order dated 29th of January, 2015 passed by competent Authority, which was sought on the ground of illness of his father.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondents.

3. Perused the affidavit-in-reply filed by respondent no.1. We have noted that the petitioner is undergoing sentence of life imprisonment for the offence punishable under Section 302 of the Indian Penal Code imposed vide judgment dated 13th of January, 2011.

4. We have noted that the petitioner's claim came to be rejected considering adverse police report stating therein that

earlier when petitioner was released on leave he failed to surrender on due date and was required to be arrested. Division Benches of this Court in the cases of Murlidhar Ramchandra Bhalerao ..vs.. State of Mah. and anr. reported in 2011 ALL MR (Cri) 2132 and Ramchandra Raghu Naik ..vs.. State of Mah. reported in 2005 ALL MR (Cri.) 1919 have taken a view that if a prisoner does not return back to the custody and is required to be arrested by police for securing custody, such a prisoner is not entitled to the benefit of Rule 4 of the Prison (Bombay Furlough and Parole) Rules, 1959.

5. In that view of the matter, we do not find that the petitioner is entitled for the benefit of Rule 4 of the Prison (Bombay furlough and Parole) Rules, 1959. Hence, we pass the following order.

ORDER

Criminal Writ Petition No. 230 of 2015 is dismissed.

JUDGE

JUDGE

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