

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

CRIMINAL WRIT PETITION No.285 of 2015

Bandu @ Hemant s/o Yadavrao Kothe (In Jail)

-Versus -

The State of Mah. Through D.I.G. Prison East Region, Nagpur and 1 another.

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

Court's or Judge's Orders

Shri N.H. Samujdre, Advocate for petitioner.
 Shri F.T. Mirza, APP for respondents.

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

DATED : 7th MAY, 2015.

1. Petitioner has approached this court being aggrieved by rejection of his application for grant of furlough leave sought on the ground to visit his family by the competent authority by impugned order dated 22.12.2014.

2. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for the respondents. Perused affidavit-in-reply.

We have noted that the petitioner is undergoing life imprisonment for the offence punishable under Sections 302, 307, 149, 324, 338, 427 and 506 r/w Sections 149, 120-B of Indian Penal Code vide judgment dated 5.2.2010. We have also noted that earlier when petitioner was released on furlough/parole leave, he failed to surrender on due date and was arrested and brought back to prison on two occasions after 166 days and 281 days respectively.

3. Learned counsel for the petitioner has submitted that in spite of the same, petitioner was lastly released on parole leave and has thus claimed that petition be allowed. However, we are not impressed by the submission made observing that on being released as stated aforesaid the

petitioner though was not arrested has failed to surrender himself on due date and overstayed for 58 days. In that view of the matter, petition is liable to be dismissed on this count.

Similarly, 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 taken a view 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, petition is liable to be dismissed. Hence, we make the following order

ORDER.

1. Criminal Writ Petition No. 285/2015 is dismissed.
2. No order as to costs.

JUDGE

JUDGE

Hirekhan