

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

CRIMINAL WRIT PETITION NO. 427 OF 2015.

Namdev Mahadev Tejne ..vs.. The D.I.G. (Prison) (E)(R) Nagpur 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.H.G.Katekar, Adv. (appointed) for the petitioner.
Mrs.N.R.Tripati, APP for the respondents.

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

DATED : JULY 29, 2015.

1. The petitioner has approached this Court being aggrieved by rejection of his application dated 30th of September, 2014 for furlough leave, which came to be rejected by impugned order dated 22nd of December, 2014 passed by competent Authority.

2. Heard Mr.H.G.Katekar, learned counsel appointed for the petitioner and Mrs.N.R.Tripati, learned Additional Public Prosecutor for the respondents.

3. Perused the affidavit-in-reply filed by respondent no.2 along with documents where from it reveals that the petitioner is undergoing sentence of life imprisonment for the offence punishable under Section 302 of the Indian Penal Code by judgment dated 9th of June, 2005.

4. We find that earlier when petitioner was released on furlough and parole leave on six occasions, each time, he surrendered late by 19 days, 60 days, 16 days, 31 days, 153 days and 30 days, respectively. It is noted that on the last occasion the petitioner was released on parole for 30 days on 25th of April, 2015. In that view of

the matter, we find that petitioner is not entitled for furlough as per provisions of Rule 5 of the Prisons (Bombay Furlough and Parole) Rules, 1959 as no furlough leave can be granted to the prisoner within a period of six months from the date of his return from parole. Therefore, we find no reason to interfere in the impugned order.

5. In that view of the matter, petition is devoid of merit and hence we pass the following order.

ORDER

Criminal Writ Petition No.427 of 2015 is dismissed.

Fees to be paid to the learned counsel (appointed) for the petitioner is quantified at Rs.1500/-.

JUDGE

JUDGE

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