

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

CRIMINAL WRIT PETITION No.456 of 2015

Ravindra Ganesh Bangar (In Jail)

-Versus -

The Divisional Commissioner, Amravati Division, Amravati and another.

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

Court's or Judge's Orders

Ms. S.B. Khobragade, Advocate (appointed) for petitioner.
 Mr. T.A. Mirza, APP for respondents.

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

DATED : 12th August, 2015.

1. The petitioner has approached this court being aggrieved by the impugned order dated 7.2.2015 passed by the competent authority rejecting parole leave sought on the ground of illness of wife.

2. Heard learned counsel for both the sides. Perused affidavit-in-reply filed by the respondents and the documents in support of petition. We have noted that petitioner is undergoing sentence of life imprisonment for the offence punishable under sections 302 and 201 of IPC.

3. We have noted that the application for leave came to be rejected on considering the adverse police report. Petitioner has claimed parole leave on the ground of illness of his wife. According to affidavit in reply, it is observed that in the year 2010 when petitioner was released on parole for 30 days, he was arrested after 1352 days and brought back to prison.

4. So far as grant of parole/furlough leave is concerned, the two Division Benches of this Court in the case of **Murlidhar Ramchandra Bhalerao Vs. State of Maharashtra and another** reported in **2011 ALL M.R. (Cri) 2132** and **Ramchandra Raghu Naik Vs. State of Maharashtra**, reported in **2005 ALL M.R. (Cri) 1919**, 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 Prisons (Bombay Furlough and Parole) Rules, 1959, we do not find that the petitioner herein is entitled for the benefits of Rule 4 of the Prisons (Bombay Furlough and parole) Rules, 1959.

In that view of the matter, we find no reason to allow the petition. Hence, we make the following order.

ORDER.

1. Criminal Writ Petition No. 456/2015 is dismissed.
2. Legal fees to be paid to the appointed counsel is quantified as Rs.1,500/-.

JUDGE

JUDGE

Hirekhan