

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

CRIMINAL WRIT PETITION NO. 488 OF 2015.

Yogendra @ Bablu Subhash Usare ..vs.. D.I.G. Prisons (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.V.P.Mohod, Adv. (appointed) for the petitioner.
Ms.N.P.Mehta, APP for the respondents.

CORAM : A.B.CHAUDHARI AND
P.N.DESHMUKH, JJ.
DATED : AUGUST 3, 2015.

1. The petitioner has approached this Court being aggrieved by rejection of his application dated 2nd of February, 2015 for furlough leave, which came to be rejected by impugned order dated 22nd of April, 2015, passed by competent Authority.

2. Heard Mr.V.P.Mohod, learned counsel for the petitioner and Ms.N.P.Mehta, learned Additional Public Prosecutor for the respondents.

3. Perused the affidavit-in-reply filed by respondent no.2. We find that the petitioner is undergoing sentence of 10 years imprisonment for the offence punishable under Section 304 of the Indian Penal Code by judgment dated 8th of January, 2010. We have noted that his application for grant of furlough leave came to be rejected as earlier when petitioner was released on parole and furlough leave, respectively, he failed to surrender on due date and was required to be arrested and brought back to the Prison.

4. Having considering fact that petitioner was required to be arrested and brought back to the Prison, we are not inclined to allow

the petition in view of law laid down in the case of **Murlidhar Ramchandra Bhalerao .vs.. State of Mah. and anr.** reported in **2011 ALL MR (Cri) 2132.** In the result, we pass the following order.

ORDER

Criminal Writ Petition No. 488 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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