

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

CRIMINAL WRIT PETITION No.555 of 2015

Dinkar Raghunath Chaudhari (In Jail)

-**Versus** -

The Divisional Commissioner, Nagpur Division, Nagpur and 1 others.

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

Court's or Judge's Orders

Shri Mir Nagman Ali, Advocate for petitioner.
 Ms. N.P. Mehta, APP for respondents

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

DATED : 10th August, 2015.

1. The petitioner has approached this court being aggrieved by the rejection of his application for grant of his parole leave by impugned order 06.06.2015 by respondent no. 1.

2. Heard learned counsel for both the sides. Perused the affidavit-in-reply. We have noted that petitioner is undergoing imprisonment for life for offence under section 302 read with 34 of the Indian Penal Code. His application for parole leave came to be rejected on considering adverse police report. We have noted that earlier when petitioner was released on leave in the year 2012 and 2013 he surrendered late by 140 and 29 days respectively. So also when he was released on leave in the year 2010 and 2013, he surrendered late by 85 days and in the year 2013 by 121 days and was required to be arrested and brought to prison.

3. In view of the above facts we find it necessary to note that 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 held 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, if petitioner was required to be arrested, we find no substance in the petition. Hence, the following order.

ORDER.

1. Criminal Writ Petition No. 555/2015 is dismissed.
2. No order as to costs.

JUDGE

JUDGE

Hirekhan