

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

CRIMINAL WRIT PETITION NO.1036 OF 2014

(Ashok Vithoba Sarpe vs. The Deputy Inspector General (Prisons)(East), Nagpur and another)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Mr. M.N. Ali, Advocate for petitioner.

Ms. N. Tripathi, Additional Public Prosecutor for
respondents.

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

DATED : JANUARY 27, 2015

Heard learned Counsel for the parties.

By this petition, the petitioner has
challenged order dated 28/11/2014 passed by
respondent no.1 rejecting his application for furlough
and prayed for his release on furlough.

The petitioner appears to be undergoing
sentence of life imprisonment for the offence
punishable under Section 302 of Indian Penal Code
and is confined to Nagpur Central Jail.

Police submitted adverse report as on earlier five occasions when petitioner was released on furlough or parole, he failed to surrender on due date.

Though this Court has taken a view that late surrendering is no ground for rejection of application for furlough, we find that petitioner was lastly released on parole on 13/1/2014 and he surrendered late by 47 days, i.e. on 1/4/2014 and since that date, period of one year has not lapsed. In that view of the matter, petitioner is not entitled to be released on furlough. We do not see any reason to interfere with the impugned order dated 28/11/2014 passed by respondent no.1. Hence, criminal writ petition is dismissed.

JUDGE

JUDGE

khj