

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPUR**CRIMINAL WRIT PETITION NO. 62 OF 2016.****(Bandu @ Hemant Yadaoraaji Kothe .vs. The State of Maharashtra & another)**

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

Ms. R.V. Ramteke, Advocate (appointed) for petitioner,
Mr. S.M. Ghodeswar, Additional Public Prosecutor for
respondents,

CORAM : B.R. GAVAI & A.S. CHANDURKAR, JJ.

DATED : MARCH 16, 2016.

The petitioner is aggrieved by the order dated 14.7.2015, thereby rejecting his application for being released on furlough. In the impugned order, there is a reference made to the late surrender of the petitioner on earlier occasions, as well as the fact that he was also required to be arrested on three earlier occasions as he had not reported back after expiry of the leave period.

It is submitted by Ms. R.V. Ramteke, learned Advocate (appointed) for petitioner, that though the petitioner was late in reporting back for serving the sentence, there was no complaint of any breach of peace against the petitioner when he was on furlough leave.

In the reply filed on behalf of the respondents, reference has been made to the fact that on three earlier occasions, the petitioner was required to be arrested for overstaying the period of leave and on two occasions the

petitioner had surrendered late by 58 days and 66 days respectively.

It appears that the petitioner is in the habit of surrendering late on almost every occasion. These facts have been taken into consideration while passing the impugned order. In this backdrop, therefore, there is no reason to interfere with the impugned order.

The Writ Petition is, therefore, dismissed. No costs.

Fees payable to the learned Counsel appointed for the petitioner are quantified at Rs.1500/-.

Judge

Judge

J.