

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 436/2017

(RAHUL ASHOK RAUT (IN JAIL) **VERSUS** THE D.I.G. OF PRISONS, NAGPUR & ANOTHER)

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

Court's or Judge's orders

Ms S.B. Khobragade, counsel for the petitioner.
 Shri K.R. Lule, A.P.P. for the respondent-State.

CORAM : SMT. VASANTI A NAIK AND
M.G. GIRATKAR, JJ.

DATE : AUGUST 08, 2017.

By this writ petition, the petitioner challenges the order of the respondent no.1-D.I.G. (Prisons), Nagpur, dated 20.03.2017 rejecting the application of the petitioner for grant of furlough leave for a period of 28 days.

It appears from the affidavit-in-reply filed on behalf of the respondent no.2 as also the Furlough Rules that are amended as per the Government Notification dated 26.08.2016, specially Rule 4(13) that provides that the prisoner who is sentenced for the offence of rape would not be entitled to furlough leave. Since the petitioner has been convicted under Section 376 of the Penal Code, the petitioner would not be entitled for release on furlough leave.

Since the order of the respondent no.2 appears to have been based on the Furlough Rules that are amended in the year 2016, the writ petition is liable to be dismissed. Hence, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE