

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

Criminal Writ Petition No.461 of 2017

(Raju Pandurang Kokate .vs. The D.I.G. Prisons (E), Nagpur and Others)

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

Court's or Judge's Orders

Mr.N.A.Badar, Advocate for the petitioner.
 Mrs.Nandita Tripathi, A.P.P. for Respondents/State.

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

DATE : 23.8.2017.

By this Criminal Writ Petition, the petitioner challenges the order of the D.I.G. (Prisons), Nagpur, dt.24.1.2017 rejecting the application filed by the petitioner for grant of furlough leave.

We do not find any infirmity in the order of the D.I.G. (Prisons), dt.24.1.2017. When the petitioner was released on furlough leave on the earlier occasion, the petitioner had not surrendered for more than 3729 days from the date of expiry of the furlough leave. The petitioner was required to be brought to the Prison 3729 days after the date of expiry of the furlough leave. As per Rule 4(10) of the Prisons (Bombay Furlough and Parole) Rules, 1959, when a prisoner has escaped or attempted to escape from the lawful custody or has defaulted in any way in surrendering himself at the appropriate time, he would be disentitled to the furlough leave. Also, the petitioner would not be entitled to furlough leave as the conduct of

the petitioner is not satisfactory inasmuch as he had absconded for 3729 days from the date of expiry of the furlough leave. Since the order of the D.I.G. (Prisons) is in consonance with Rules 4(6) and 4(10) of the Rules of 1959, the Writ Petition is liable to be dismissed.

Hence, we dismiss the same with no order as to costs.

JUDGE

JUDGE

**jaiswal*