

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

CRIMINAL WRIT PETITION NO. 506/2017

(SHIV KERU KAMBLE (IN JAIL) **VERSUS** THE STATE OF MAHARASHTRA, THR. D.I.G. OF PRISON,
 NAGPUR (E)(R), 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 R.V. Ramteke, counsel for the petitioner.
 Shri P.S. Tembhare, A.P.P. for the respondents.

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

DATE : SEPTEMBER 04, 2017.

By this criminal writ petition, the petitioner challenges the order of the D.I.G. Prisons, Nagpur of December-2016 rejecting the application of the petitioner for grant of furlough leave.

Since the petitioner was required to be brought back to the prison in the year 2007, 3121 days after the expiry of the furlough leave, the application of the petitioner for grant of furlough leave was rightly rejected by placing reliance on Rule 4 of the Prisons (Bombay Furlough and Parole) Rules, 1959. When the petitioner was required to be brought to the prison nearly ten years after the expiry of his furlough leave through the police authorities, the petitioner cannot be heard to say that he should be released on furlough leave without considering his default in the year 1997. The petitioner had been released on furlough leave in the year 1997 and he was required to be arrested, ten years later in the year 2007. In the circumstances of the case, the petitioner would not be entitled to furlough leave by relaxing the rules,

insofar as the case of the petitioner is concerned. Since the circumstances for granting furlough leave and emergency parole leave are different, the relief sought by the petitioner cannot be granted.

In the result, the criminal writ petition fails and is dismissed with no order as to costs.

The professional fees of the learned counsel for the petitioner are quantified at Rs.1,500/-.

Order accordingly.

JUDGE

JUDGE

APTE