

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3704 OF 2018**

Sachin Chandrakant Dangat

..Petitioner

Vs.

Director General of Police (Prison)

Maharashtra State, Pune & Ors

..Respondents

Mr. Priyal Sarda for the Petitioner

Mrs. M. H. Mhatre APP for the Respondent State

CORAM :R. M. SAVANT, &

N. J. JAMADAR, JJ

DATE : 27th NOVEMBER, 2018

P.C.

1 The order dated 27-7-2018 passed by the Additional Director General of Police and Inspector General of Prisons, rejecting the Appeal filed by the Petitioner is taken exception to by way of the above Writ Petition.

2 By the said order dated 27-7-2018, the order dated 12-6-2018 passed by the Deputy Inspector General of Prisons, Western Region, Yerawada, Pune has been confirmed. By the said order the DIG (Prisons) has rejected the application for furlough filed by the Petitioner. The reasons for the rejection find a place in the order passed by the DIG (prisons) which are inter alia to the effect that if the Petitioner is released on furlough, then there is a danger to the relations of the deceased, friends and witnesses. It is also mentioned that against the Petitioner C.R. No.75 of 2011 for the offences punishable under

Sections 420, 467, 470, 471, 466 has been registered with the Dehu Road Police Station as also C. R. No.301 of 2008 has been registered with the same police station. As indicated above the said order has been confirmed by the Additional Director General of Police and Inspector General of Prisons. The Appellate Authority i.e. Additional Director General of Police and Inspector General of Prisons has referred to Rule 4(4) of the Notification dated 26-8-2016 as also Rule 4(17) of the said Notification. It is pertinent to note that the Petitioner was released on parole for 45 days by order dated 16-4-2018 passed by the Divisional Commissioner, Pune Division, Pune. The said period of parole has come to an end towards the end of June 2018. It is immediately thereafter i.e. within a period of 6 months from the Petitioner's returning to the Jail, the Petitioner has filed the instant application for furlough.

3 The Prisons (Bombay Furlough and Parole) Rules 1959, and especially Rule B(2)(3) postulate that a prisoner becomes eligible for furlough after completion of one year of actual imprisonment on returning from furlough granted for the first time and within 6 months of the last return from the furlough. Though the Rules pertained to furlough, in our view the principle that would be applicable would be the same. If the furlough is to be granted without considering the fact that the prisoner has not even completed 6 months from the last return, then the same would militate against the objects for which parole and furlough are granted. In the instant case there

can be no dispute about the fact that a period of 6 months has not elapsed since the last return from parole. Though the First Authority as well as the Appellate Authority have rejected the application on the touchstone of Rules 4(4) and 4(17), in our view, the application cannot be entertained for the reasons we have stated in the earlier part of this order. Hence no case for interdiction in the Writ Jurisdiction of this Court is made out. The above Criminal Writ Petition is accordingly dismissed.

[N. J. JAMADAR, J]

[R.M.SAVANT, J]