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IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL WRIT PETITION NO. 61/2018

(Satish s/o Yadavrao Dhoke vs. The Deputy Inspector General of Prisons, (E) Nagpur and another)

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

Court's or Judge's order

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 Mrs. M.S.Hiwase, Advocate (appointed) for the petitioner
 Mr. I.J.Damle, Additional Public Prosecutor for respondents

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.
DATED : 16th April, 2018.

Heard.

By this Writ Petition, the petitioner challenges the order of the Deputy Inspector General of Prisons, Nagpur, dated 31.10.2017, rejecting the application of the petitioner for furlough leave.

The furlough leave application of the petitioner was rejected by invoking Rule 4 (13) of the Prisons (Bombay Furlough and Parole) Rules, 1959. As per the amended Rule 4 (13) of the Rules, a prisoner convicted for the offence of rape is not entitled to be released on furlough leave. The petitioner is not only convicted of the offence punishable under Section 376 of the Penal Code but one more offence punishable under Section 376 of the Penal Code is also pending against him. In the aforesaid set of facts, the respondents rightly apprehended that the

petitioner may be involved in similar crime. In any case, since the furlough leave cannot be availed by the petitioner in view of the provisions of Rule 4 (13) of the Rules, the Writ Petition is liable to be dismissed.

Hence, we dismiss the Writ Petition.

JUDGE

JUDGE

safare