

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

CRIMINAL WRIT PETITION NO. 105/2018

(BHUMESHWAR MADHAVRAO BRAHMANKAR (IN JAIL) **VERSUS** THE DIVISIONAL
 COMMISSIONER, NAGPUR DIVISION, NAGPUR & ANOTHER)

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

Court's or Judge's orders

 Mrs. P.P. Chobe, Appointed counsel for the petitioner.
 Shri B.M. Lonare, A.P.P. for the respondents.

**CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.**

DATE : APRIL 09, 2018.

By this criminal writ petition, the petitioner challenges the order of the Divisional Commissioner, Nagpur, dated 20.11.2017 rejecting the application of the petitioner for parole leave.

The parole leave application of the petitioner was rejected as the petitioner was required to be arrested by the police authorities and brought back to the prison 1616 days after the due date for surrender.

It is stated on behalf of the respondents that the petitioner was released on furlough leave in the year 2011 and he was required to be brought to the prison by the police in 2015.

In the circumstances of the case, the application of the petitioner for grant of regular parole was rightly rejected by the Divisional Commissioner. It is necessary for the petitioner to remain in the prison at least for a couple of years before seeking regular parole or furlough leave. Moreover, it does not appear from the Prisons (Bombay Furlough and Parole) Rules, 1959 that a prisoner would be entitled to be released on parole for the construction of a toilet. The daughter of the petitioner is aged seventeen years and she would be able to ensure that the toilet is properly constructed. The petitioner may apply for regular parole or furlough leave after a couple of years as he was out of prison and had evaded the arrest for nearly four years.

Since the order of the Divisional Commissioner is just and proper, we dismiss the criminal writ petition.

Order accordingly.

JUDGE

JUDGE

APTE