

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

**CRIMINAL WRIT PETITION NO.767 OF 2017**

*(Sanjay Mahadeo Gajbhiye .vs. D.I.G. of Prison (E)(R), Nagpur and another)*

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

Court's or Judge's Orders

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*Ms S.B.Khobragade, Advocate (appointed) for petitioner.  
Ms H.N.Jaipurkar, A.P.P. for Respondent Nos. 1 and 2.*

**CORAM** : R. K. DESHPANDE &  
M. G. GIRATKAR, JJ.

**DATE** : 9.1.2018.

Heard.

The petitioner has completed his sentence awarded for the offence of dacoity. However, the petitioner is undergoing sentence of life imprisonment for the offence punishable under Section 302 of the Indian Penal Code. On the earlier occasion when the petitioner was released on furlough, he reported late by 50 days.

In response to the notice issued by this Court, an affidavit has been filed. We have also gone through the contents of order impugned in this petition refusing to grant furlough leave under the provisions of Rules 4(4), 4(6), 4(10) and 4(13) and 6 of the Prisons (Bombay Furlough and Parole) Rules, 1959. We find that there is sufficient material available on record for the Authorities to reach such satisfaction. We do not think that this is a case where we should exercise discretion under

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Article 226 of the Constitution of India. Hence, the Writ Petition is dismissed.

No order as to costs.

Fees of the learned Counsel appointed for the petitioner is quantified at **Rs.1,500/-**.

**JUDGE**

**JUDGE**

jaiswal