

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

CRIMINAL WRIT PETITION NO. 16/2019.

Rahul @ Pappu Shridhar Yadav

-VERSUS-

Deputy Inspector General (Prisons) (East) Region, Nagpur and another.

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

Court's or Judge's Orders

Shri M.N. Ali, Advocate (appointed) for the Petitioner.
Ms. N.R. Tripathi, A.P.P. for the Respondents.

CORAM : Z. A. HAQ AND
VINAY JOSHI, JJ.

DATE : MARCH 18, 2019.

Heard finally by consent of the parties.

2. The claim of the petitioner for releasing him on furlough leave for 21 days came to be rejected by the respondent no.1 Deputy Inspector General of Prison, vide the impugned order dated 27/09/2018. This is the subject matter of challenge in this petition.

3. The petitioner is convicted for commission of offence punishable under Section 307 read with

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Section 34 of the Indian Penal Code. Till the date of passing of the impugned order, he had undergone imprisonment for a period of 3 years and 11 months.

4. The respondents resisted the petition on the ground that when earlier released on furlough leave, the petitioner had committed an offence punishable under Section 324 of the Indian Penal Code, so also, the petitioner was late by one day to surrender. It is informed that prosecution for commission of offence punishable under Section 324 of the Indian Penal Code is still pending. Considering the tendency of petitioner of committing offence during furlough leave, the Authorities have expressed that there would be law and order problem, if the petitioner is again released on furlough leave.

5. We have considered all the relevant aspects. Un-disputedly, earlier when released on furlough leave, the petitioner has misused the liberty and committed offence. The said aspect itself is sufficient to conceive the apprehension of creating law and order problem, by petitioner. It reveals from

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record that the petitioner had not surrendered but he was arrested and brought back to jail. Pertinent to note that while he was on furlough leave, he had committed bodily offence and did not return to jail on due date.

6. Hence, considering the past conduct of the petitioner, at present we are not inclined to grant furlough leave and accordingly petition stands dismissed.

7. The petitioner is at liberty to apply fresh for furlough leave.

JUDGE**JUDGE***Ansari*