

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 94/2019

Bhumeshwar M. Bramhankar
..VS..
State & anr.

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

Court's or Judge's orders

Ms. A.P. Murrey, Advocate (appt.) for the petitioner
Ms. N.R. Tripathi, APP for the respondents

CORAM : Z.A.HAQ & VINAY JOSHI, JJ.
DATED : 09/04/2019

The petitioner has applied for furlough leave of 28 days. Respondent no. 1 – Deputy Inspector General of Prison, Eastern Region, Nagpur vide order dated 03/10/2018 has rejected petitioner's application for grant of furlough leave. Said order is challenged by petitioner by way of this writ petition.

Petitioner is convicted for offence punishable under Section 302 read with Section 34 of the Indian Penal Code and till the date of applying for furlough, he had undergone imprisonment for 11 years and 10 months. Authority has rejected petitioner's application mainly on the ground that whenever petitioner was earlier released on parole/furlough, he has misused liberty and had not surrendered on due dates. Moreover, Authority has considered adverse report against petitioner and ultimately rejected prayer for furlough.

State resisted this petition vide reply/affidavit dated 05/04/2019. In para no. 5 of the reply, State has given a chart regarding petitioner's earlier release on parole/furlough and conduct of petitioner about returning to Prison. It reveals that thrice petitioner was required to be arrested since he had not surrendered on due dates. On 05/03/2011, petitioner was released on furlough and for long period of 1506 days i.e. near about for 5 years, he had not surrendered and ultimately was brought back to Prison by way of arrest. This glaring circumstance itself is sufficient to show that petitioner has absolutely no regard for the Law. Therefore, we do not find any perversity in the order passed by Authority. In view of that, writ petition being devoid of merit, stands **dismissed**.

Fees of advocate appointed to represent petitioner shall be paid as per the Rules.

JUDGE

JUDGE

Ansari