

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

CRIMINAL WRIT PETITION NO. 111/2019.

Firoz Chandkhan Pathan.

-VERSUS-

Deputy Inspector General of Police (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

Ms. S.B. Khobragade, Advocate for the Petitioner.
Ms. N.R. Tripathi, A.P.P. for the Respondents.

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

DATE : MARCH 15, 2019.

Heard finally by consent of the parties.

2. The claim of the petitioner for releasing him on furlough leave for 28 days came to be rejected by the respondent no.1 Deputy Inspector General of Prison, vide the impugned order dated 10.01.2019. This is the subject matter of challenge in this petition.

3. The reason recorded by the respondent no.1 for rejection of the leave is that, the petitioner while on furlough leave on earlier occasion had committed offence punishable under Section 325 read

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with Section 34 of the Indian Penal Code, on 19.07.2018. 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.

4. The petitioner is convicted for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code. Un-disputedly, before few months itself the petitioner has misused the liberty and committed offence while on furlough leave. The said aspect itself is sufficient to conceive the apprehension of creating law and order problem, by petitioner.

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

JUDGE**JUDGE**

Rgd.