

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

CRIMINAL WRIT PETITION NO.149/2019

Satish Yadavrao Dhoke

..Vs..

The State of Maharashtra, through the Dy. Inspector General of Prison, Eastern
Region, Nagpur and another

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

Court's or Judge's orders

Shri W.N. Nayse, Advocate (appointed) for the petitioner.
Ms. Nandita Tripathi, A.P.P. for the respondents.

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

DATED : 29.3.2019.

Heard.

The petitioner is convicted for offences punishable under Sections 323, 341, 342, 376(2)(g) and 506-II read with Section 34 of the Indian Penal Code and is undergoing sentence. The petitioner had submitted an application on 23rd February, 2018 requesting for grant of furlough leave. This application is rejected by the impugned order.

The application of the petitioner is opposed on the ground that he is convicted for commission of offence of rape and as per Rule 4(12) of the Prisons (Bombay Parole and Furlough) Rules, 1959 he is not eligible for grant of furlough leave. The learned A.P.P. has further submitted that earlier, when the petitioner was released on furlough leave he has committed serious offences for which Crime No.424/2009 for offence

punishable under Section 504 of the Indian Penal Code, Crime No.3368/2010 for offences punishable under Sections 294, 506-B, 323, 427 read with Section 34 of the Indian Penal Code, Crime No.234/2012 for offence punishable under Section 324 read with Section 34 of the Indian Penal Code and Crime No.318/2012 for offence punishable under Section 386 and 452 read with Section 34 of the Indian Penal Code have been registered.

After examining the rival submissions and the material on record, we are of the view that the Deputy Inspector General of Prisons has not committed any error by rejecting the request of the petitioner for grant of furlough leave. We are not inclined to interfere with the impugned order. The writ petition is **dismissed**. The fees of the learned Advocate appointed to represent the petitioner be paid as per rules.

JUDGE

JUDGE