

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

CRIMINAL WRIT PETITION NO.189/2019

Raju @ Mukesh Punamchand Dongre (Patel)

..Vs..

State of Maharashtra 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 Raju Kadu, Advocate for the petitioner.
Ms. Nandita Tripathi, A.P.P. for the respondents.

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

DATED : 30.4.2019.

1. Heard.

2. The petitioner has applied for furlough leave. The respondent No.1 - State of Maharashtra, through Deputy Inspector General of Prisons (Eastern Region), Nagpur vide order dated 25.10.2018 has rejected the petitioner's application for grant of furlough leave. The impugned order assigns reason for rejection that the petitioner is resident of Madhya Pradesh, he is habitual offender and if released on furlough leave, there is every possibility of absconding. It is also stated that the petitioner was convicted for the offence of robbery and therefore, as per Rule 4(2) of the Prisons (Bombay Furlough and Parole) Rules, 1959, he is not entitled for furlough leave.

3. The State resisted the petition vide reply affidavit. It is canvassed that the petitioner is habitual offender and number of offences are registered against him of which a chart is produced. It reveals that the offences of theft and robbery are registered against the petitioner. The petitioner has also furnished an up to date chart of the pending and disposed cases which shows that there are total 14 offences registered against him. Last one is under Section 302 of the Indian Penal Code in which he is convicted.

4. It emerges that the petitioner is convicted for the offence punishable under Section 302 of the Indian Penal Code and is suffering life imprisonment from last 7 years. The record indicates that whenever petitioner was released on bail, he had repeatedly committed offences of robbery. Though the petitioner's learned Advocate relied on the judgment of this Court in Criminal Writ Petition No.1224/2017 [Mohd. Irshad Kamruddin @ Kamal Hasan Sheikh @ Chotu V/s. Deputy Inspector General (Prison), (East), Nagpur and another], dated 26th June, 2018, the facts being distinct, it has no application in the present case. The apprehension expressed by the State that the petitioner, if released on furlough leave there are every chances of repetition of crime and absconding, is well justified in view of the conduct of the petitioner which is reflected in the crime chart. Therefore, we do not find any illegality committed by the Authority in rejecting the petitioner's application for

furlough leave. Hence the writ petition being devoid of merits is **dismissed**.

JUDGE

JUDGE