

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

CRIMINAL WRIT PETITION NO.1132 OF 2018
(Vinod s/o Vinayak Thakre vs. The State of Maharashtra and another)

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

Shri R.K. Maheshwari, Advocate (appointed) for
petitioner.
Smt. N.R. Tripathi, Additional Public Prosecutor for
respondents.

CORAM : P.N. DESHMUKH AND
 PUSHPA V. GANEDIWALA, JJ.

DATED : JUNE 11, 2019

Heard Shri Maheshwari, learned Counsel for
petitioner, and Smt. Tripathi, learned Additional Public
Prosecutor for respondents.

This petition is filed praying for setting aside
impugned order dated 11/7/2018 passed by respondent
no.1 rejecting application for grant of furlough leave
filed by petitioner.

Shri Maheshwari, learned Counsel for
petitioner, submits that on the earlier occasion,
petitioner was granted furlough leave and he on his own
surrendered on 3/10/2017. It is contended that
application of petitioner is rejected by respondent no.1
by considering adverse Police report which, in fact, is
not correct. It is, therefore, prayed that application be
allowed.

Smt. Tripathi, learned Additional Public

Prosecutor submits that before last furlough leave was granted to petitioner, he failed to attend on due date and was required to be arrested and he surrendered late by 26 days on one occasion and by two or three days on two occasions. The affidavit-in-reply of respondents reveals that there is a possibility of petitioner absconding, if he is granted furlough leave.

It is material to note that on the last occasion petitioner was granted parole on 6/12/2018 and he surrendered on 5/2/2019. In view of this undisputed fact, it is found that as per Rule 19(2)(A)(ii) of the Prisons (Bombay Furlough and Parole) Rules, 1959, prisoner shall be eligible for subsequent release on regular parole after completion of six months of actual imprisonment to be counted from his last return either from furlough or regular parole.

In that view of the matter, no case is made out. The petition is dismissed with liberty to petitioner to apply for furlough leave afresh after lapse of six months of actual imprisonment.

JUDGE

JUDGE

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