

Urmila Ingale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 715 OF 2020

Rahul Damu Salve, 39 yrs.
Village Pimpalgaon, Taluka Junnar, Zilla Pune
presently lodged at Yerwada Central Prison
as Prisoner No. C/14461, Circle No. 3 III

....Petitioner

Vs.

1. The State of Maharashtra
through it's Chief Secretary, Mantralaya
(at the instance of Othur Police
Station in C.R.180 of 2018

2. Inspector General of Prison,
Correction and Rehabilitation,
Maharashtra State, Pune - 01

3. Deputy Inspector General of Police
Western Region, Yerwada, Pune - 6

4. Superintendent Jail
Yerwada Central Prison, Pune - 06

5. The Sr.Inspector of Police
Other Police Station, Pune

..... Respondents

Mr.Prosper D'Souza, for the Petitioner.
Mr.S.R.Shidne, APP for the Respondents - State.

**CORAM : S. S. SHINDE &
M. S. KARNIK, JJ**

**RESERVED ON : 16th DECEMBER, 2020
PRONOUNCED ON : 21st DECEMBER, 2020**

JUDGMENT : (PER M.S. KARNIK, J.)

Rule. Rule is made returnable forthwith. Heard finally with the consent of learned counsel appearing for the parties.

2. By this Petition under Article 226 of the Constitution of India, the petitioner challenges the impugned order dated 02/03/2019 passed by the respondent No.3 rejecting the furlough of the petitioner. The petitioner also challenges the order dated 03/05/2019 passed by respondent No.2 Appellate Authority rejecting the Appeal in its challenge to the order dated 02/03/2019

3. The petitioner was arrested in the year 2002 for the offences punishable under sections 302, 147, 148, 326 of Indian Penal Code. The petitioner was convicted by learned Sessions Judge and sentenced to suffer imprisonment for life on 30/07/2005. On 22/06/2018 petitioner made an application for furlough. By the impugned order dated 02/03/2019, furlough of the petitioner is rejected. The rejection is on the ground that in the year 2008 when the petitioner was released on parole, he surrendered late by 30 days. Thereafter in the year 2009 when

the petitioner was released on furlough, he failed to surrender in time and therefore proceedings had to be initiated against him under section 224 of the Indian Penal Code. The petitioner had to be arrested and brought back to prison. The petitioner overstayed furlough by a period of 1628 days. The Superintendent of Jail did not recommend the case of the petitioner for release on furlough. The Competent Authority - respondent No.3 formed an opinion that if the petitioner is released on furlough, he will not report back to the jail.

4. Considering the past conduct of the petitioner and especially the fact that the petitioner in the year 2008 overstayed furlough by a period of 1628 days and had to be arrested and brought back to the prison, in our opinion, this is not a fit case to exercise our writ jurisdiction under Article 226 of the Constitution of India to interfere with the order passed by the Competent Authority and Appellate Authority rejecting the furlough of the petitioner.

5. The petition is rejected. Rule stands discharged.

(M.S.KARNIK, J.)

(S.S.SHINDE, J.)