

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

CRIMINAL WRIT PETITION NO. 196 OF 2019

(Rajput @ Naboot Patiram Parteki, Convict No. C/8156 (confined at Central Prison, Nagpur) vs. State of Maharashtra thr. Deputy Inspector General of Prison, ER, Nagpur & Anr.)

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

Court's or Judge's orders.

Ms. S.D. Wankhede, Advocate for the petitioner.
Mrs. N.R. Tripathi, APP for the respondents.

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**CORAM : P.N. DESHMUKH &
PUSHPA V. GANEDIWALA, JJ.
JANUARY 27, 2020.**

Heard Ms. S.D. Wankhede, learned counsel for the petitioner and Mrs. N.R. Tripathi, learned APP for the respondents.

The petitioner, a life convict, challenges the order of rejection of furlough leave to him. His furlough leave was rejected mainly on the ground that during earlier occasion, when he was released on furlough leave, he unauthorizedly remained out of jail for 917 days and for that purpose, he was convicted and sentenced under Section 224 of the Indian Penal Code.

As per Rule 4(10) of the Prisons (Bombay Furlough and Parole) Rules, 1959, the prisoner is not entitled for furlough leave if on earlier occasion he

has defaulted in surrendering on due date after release on parole or furlough. The argument of the learned counsel on behalf of the petitioner that he could not surrender in time as he was falsely involved in other offence, cannot be accepted as undisputedly, the petitioner was convicted under Section 224 of the Indian Penal Code as he jumped his furlough leave on earlier occasion.

In such circumstances, there is no merit in the petition and the same is liable to be rejected. Criminal Writ Petition is rejected and disposed of accordingly.

JUDGE

JUDGE

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