

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

CRIMINAL WRIT PETITION NO. 590 OF 2018

Gajanan Babulal Battulwar (In jail),
..VS..
Deputy Inspector General of Prison (East Region), Nagpur and Anr.,

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

Court's or Judge's orders

None for the petitioner.
Shri A. A. Madiwale, A.P.P. for the respondents.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : 08th December, 2020

Nobody is present for the petitioner.

2. Heard Shri A.A.Madiwale, learned A.P.P. for the respondents.

3. Perused the petition and reply filed by the respondents.

4. The contention of the petitioner is that he was granted furlough leave for 28 days, which he started enjoying from 02nd March, 2018 and as he was still on furlough leave, the petitioner was arrested by police on 14th March, 2018, because of fresh crime was committed by the petitioner, while on furlough leave. In this fresh

crime, as stated by the petitioner, the petitioner remained in jail for a period of 11 days and such incarceration during furlough leave, reduced the actual period of furlough leave which was to be enjoyed by the petitioner from 28 days to 17 days. The petitioner, now seeks compensation in the nature of extension of furlough leave by 11 more days. The petitioner tried seeking such extension from respondent No.1 but, the effort was foiled when respondent No.1 passed an order rejecting such request of the petitioner on 16th February, 2018.

5. The petitioner himself was responsible for his arrest and custody as he involved himself in commission of crime while on furlough leave. Such an act on part of the petitioner in reality amounted to the misuse of liberty granted to him. But, the petitioner, for his own wrong is trying to seek some compensation from the authorities by filing this petition. Such bold and audacious effort of the petitioner deserves to be condemned and we are doing so.

6. This petition for the reason stated above, is not maintainable and stands dismissed. We further direct respondent No.2 to take such penal action against the petitioner for his commission of crime while on furlough leave, as may be permissible in law and the authorities would also take into consideration this conduct of the petitioner while relating with his similar applications,

which is furlough application in future.

The petition stands dismissed.

JUDGE

JUDGE

Kirtak