

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.557 OF 2021

AABA ALIAS MUNJABA RAJEBHAU GIRI (C-7808)

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Shri Parghane Madhukar M.

APP for the Respondents/ State : Shri S.J. Salgare

...

CORAM : RAVINDRA V. GHUGE

&

B. U. DEBADWAR, JJ.

DATE :- 07th June, 2021

Per Court :-

1. By this petition, the petitioner has put forth prayer clause “B”, which reads as under :-

“B] The petitioner may kindly be released on furlough leave.”

2. We have heard this matter for a considerable time. We have perused the order passed by this Court (Coram : R.M.S. Khandeparkar & Mrs.V.K.Tahilramani, JJ) dated 07.09.2010 in Criminal Writ Petition No.1319/2007 in the matter of Kisan Nathu Pardesi vs. State and the judgment dated 05.05.2011 delivered by this Court (Coram : Smt.V.K. Tahilramani and M.L. Tahaliyani, JJ) in Criminal Writ Petition No.258/2011 in the matter of Murlidhar Ramchandra Bhalerao vs. State of Maharashtra. In ***Murlidhar Bhalerao (supra)***, this Court held in

paragraphs 6, 7 and 8 as under :-

- “6. *A similar view was taken by the Division Bench of this Court in the order dated 07.09.2010 in Criminal Writ Petition No.1319 of 2007 (R.M.S. Khandeparkar and Mrs.V.K. Tahilramani, JJ.) in the case of Kisan Nathu Pardesi vs. State. In the said case also the prisoner’s application for furlough was rejected as he had not surrendered in time after expiry of furlough period and he had to be arrested and brought back by the police. The prayer of the petitioner in that writ petition that the petitioner should be granted furlough as it was his right, was rejected.*
7. *Prisoners time and again claim that furlough is a right granted to them. Even assuming it is a right, once they have been given this right and they avail of it, they have a corresponding duty to report back to the prison in time. The prisoner cannot conveniently forget this duty and then again come to the Court claiming that they have a right to be released on furlough. The prisoner cannot abuse the right and then again claim the same relief from the Court. Once he abuses this right, he loses the right to claim the very same relief as of right.*
8. *If a prisoner has not reported back to the prison after the expiry of furlough leave, he does not deserve any sympathy. Looking to the past record of the petitioner, the order of rejection does not call for any interference. Rule discharged.”*

3. At this juncture, the learned advocate for the petitioner seeks leave to withdraw this petition.

4. In view of the above, this Criminal Writ Petition stands dismissed as withdrawn.