

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

CRIMINAL WRIT PETITION NO. 69 OF 2021

Prisoner No. C-2515
Kisansingh S/o Shersingh Babri @ Bawri,
Aged about 42 years, Occu. - Prisoner,
R/o. Ward No.1, Near Govt. Rest House,
Post-Kelzar, Tq. Selu, Dist. Wardha.
(Presently District Prison, Amravati)

.... **PETITIONER**

// VERSUS //

- 1) State of Maharashtra,
through The Deputy Inspector
General of Prison, Eastern Region,
Wardha Road, Nagpur.
- 2) The Superintendent of Central
Prison, Amravati, Dist. Amravati.

.... **RESPONDENTS**

Shri L. B. Thawkar, counsel for the petitioner.
Ms H. N. Jaipurkar, A.P.P. for the respondents.

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

DATED : 08.02.2021.

ORAL JUDGMENT : (Per : Sunil B. Shukre, J.)

1. Heard. **Rule.** Rule made returnable forthwith.

2. Heard finally by consent of the learned counsel appearing for the parties.

3. From the impugned order itself it is seen that the petitioner has developed a habit of jumping the furlough whenever same was granted to him and his late surrender is not just after a delay of a few days but it is after such delay as 854 days and 1731 days. In 2005, the petitioner was granted furlough but he was required to be arrested and brought back to the prison by which time the delay had extended to a period of 854 days. Similarly, the petitioner was once again out of compassion granted furlough in the year 2011 and even then, the petitioner misused the limited liberty so granted to him and did not surrender himself before the jail authority. Ultimately, he was required to be arrested and brought back to the prison after a delay of 1731 days. Such conduct of the petitioner squarely falls within the parameter of condition No.6 of rule 4 of the Prisons (Bombay Furlough and Parole) Rules, 1959 and therefore, we see no infirmity in the impugned order.

4. The writ petition stands dismissed.

Rule is discharged.

(AVINASH G. GHAROTE, J.)

(SUNIL B. SHUKRE J.)