

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

CRIMINAL WRIT PETITION NO. 189/2021

PETITIONER : Rakesh Pralhad Pali,
Aged about 33 years, Convict No.C/9352
(Presently at Central Prison, Nagpur)

...VERSUS...

RESPONDENTS: 1. Deputy Inspector General
of Prison (East Region), Nagpur.

2. The Superintendent of Jail,
Central Prison, Nagpur.

Ms. H.D.Jamgade, Advocate for petitioner
Shri A.M.Ghodeswar, APP for respondent nos.1 and 2

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.
DATE : 02/03/2021.

ORAL JUDGMENT (PER : SUNIL B. SHUKRE, J.)

1] Heard learned counsel for the petitioner and learned
APP who appears by waiving notice on behalf of respondents.

Rule. Rule made returnable forthwith. Heard finally by
consent of the learned Counsel for the parties.

2] By way of an explanation for not availing of appeal remedy, learned counsel for the petitioner submits that the copy of the impugned order dated 09.09.2020 was made available to the petitioner in the month of January. However, there are no pleadings made in the petition. The petition has been filed after a delay of about 5 months and therefore, on this ground alone this petition deserves to be rejected. Even otherwise, in the year 2017, the petitioner had reported back to the jail authority after a delay of 320 days. So, on this ground also the petitioner would not be entitled for grant of furlough.

3] Learned counsel for the petitioner submits that it is incorrect to say that the furlough application of the petitioner was rejected on the ground of his late reporting before the jail authority. She submits that the only ground on which the application of the petitioner was rejected was that the surety offered by the petitioner was not acceptable. However, the submission, as rightly submitted by the learned APP, is fallacious, which is not consistent with the facts brought on record.

4] The impugned order clearly shows that the petitioner had not reported back to the jail authority within time and therefore, he was required to be arrested and forcibly brought back to the prison after a delay of 320 days. There is also another ground taken in the impugned order and it is the ground which has been just pointed out by the learned counsel for the petitioner. However, learned counsel for the petitioner appears to have ignored the other ground of the petitioner not reporting back to the jail authority and being forcibly brought back to the prison after a delay of 320 days.

5] In the circumstances, we find no substance in this petition. The petition stands rejected. Rule is discharged.

JUDGE

JUDGE