

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

CRIMINAL WRIT PETITION NO. 231 OF 2021

Shatrughan Janglu Uike
Vs.
State of Maharashtra and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.Y.Sharma, Advocate for petitioner
Ms, Nandita Dubey, APP for Respondent Nos. 1 and 2.

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

DATED :- 10.03.2021

Heard learned counsel for the petitioner and Ms. Nandita Dubey, learned APP for the State, who appears by waiving notice for the State.

The application of the petitioner for grant of furlough leave has been rejected on the sole ground that in the year 2008, the petitioner was released, but the petitioner did not voluntarily surrender himself before the jail Authority on due date and was required to be brought back to the prison after arresting him after a delay of 1983 days and this conduct of the petitioner has disentitled him from seeking any furlough leave.

Shri Sharma, learned counsel for the petitioner submits that a period of about 7 years has by since his earlier default, and now the petitioner having improved himself, has made himself eligible for fresh consideration in the matter.

Learned APP appearing for the State opposes the submission.

We do not think that such a submission can be accepted by this Court. The most notable feature of this case is that the petitioner was unauthorizedly out of jail and thus was unauthorizedly on leave for a period of more than 5 years. The petitioner has enjoyed furlough leave albeit unauthorizedly and illegally of more than five years and he still feels that he should be continued to be given a treatment of indulgence. The expectation of the petitioner, after having enjoyed a long spell of leave, though illegal, is too specious to be fulfilled. There is thus no merit in the petition. The petition is dismissed.

The learned counsel for the petitioner submits that for such unauthorized stay out of jail by the petitioner, the petitioner has already been convicted and sufficiently punished.

The punishment that has been awarded to the petitioner is for the misconduct and it in no way gives an assurance that in future the petitioner would not repeat the same misdeed. Even otherwise, we have already noted that the petitioner has enjoyed furlough leave albeit unauthorizedly for continuous period of five years, which in normal course he would not have been able to enjoy even upto his serving the full sentence. Therefore, we are not inclined to allow the petition. The petition is dismissed.

JUDGE

JUDGE