

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

**CRIMINAL WRIT PETITION NO.488 OF 2021**

Rohit S/o. Prem Baghel,  
Aged about 41 years, Occ. Nill,  
R/o. Kalamna Market, Chikali,  
Quarter No.250, Nagpur,  
Dist. Nagpur.  
Convict No. (C/5292)

....PETITIONER

---- VERSUS ----

1. Deputy Inspector General Prison,  
East, Nagpur.
2. Superintendent Central Prison,  
Amravati.

.... RESPONDENTS

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Shri Mahesh Rai, Advocate for the petitioner.  
Shri V. A. Thakare, A.P.P. for the respondents/State.

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**CORAM : V. M. DESHPANDE AND  
AMIT B. BORKAR, JJ.**

**DATE : 20.08.2021.**

**ORAL JUDGMENT : [PER: AMIT B. BORKAR, J.]**

1. Heard.
2. **RULE.** Rule made returnable forthwith.
3. By this writ petition under Article 226 and 227 of the Constitution of India, the petitioner is challenging order dated 04.06.2021 passed by the respondent No.1 rejecting furlough leave application of the petitioner for a period of 28 days.

4. The petitioner is a convict for the offence punishable under Section 302 of the Indian Penal Code and has been sentenced to undergo imprisonment for life. The petitioner had completed 8 years in prison on the date of filing of application of parole. The petitioner applied for furlough leave on 11.01.2021, which has been rejected by the impugned order dated 04.06.2021.

5. The petitioner has therefore, filed present petition challenging the said order. This Court on 30.07.2021, issued notice to the respondents. The respondents have filed reply dated 06.08.2021 stating that while the petitioner was released on emergency parole leave on 08.09.2021, the petitioner was found with sword and therefore, Crime No.695/2020 for the offence punishable under Section 4/25 of Arms Act and Section 135 of the Bombay Police Act came to be registered against the petitioner. Taking note of the said event, the concerned Police Station has submitted adverse report against the petitioner. In addition to the said fact, the respondents in their reply have stated that the petitioner is a quarrelsome person and used to fight with co-convicts and therefore, punishment of cut in remission for a period of 30 days was imposed on him. Thereafter, again on 07.04.2019, the petitioner quarreled with other prisoners and punishment of 50

days cut in remission had been approved. It is therefore, submitted that the petitioner is not eligible for being released in view of Rule 4(4) of the Prisons (Bombay Furlough and Parole) Rules, 2018.

6. We have carefully considered the impugned order and the reply filed by the respondents. On consideration of the reply filed, we are satisfied that the police report submitted by the concerned Police Station is based on the material which has been produced along with the report. The material relying upon by the police to hold that there is likelihood of breach of peace and tranquility in the concerned area, was the registration of offence against the petitioner on the ground that the petitioner was found with sword and registration of Crime No.695/2020 for offences punishable under Sections 4/25 of Arms Act and Section 135 of the Bombay Police Act. In addition to the said fact, the respondents have brought on record quarrelsome nature of the petitioner resulting into imposition of cut in remission of prison sentence of the petitioner.

7. On overall consideration of the impugned order and the reply filed by the respondents, we are satisfied that the rejection of furlough leave application by the respondent No.1 was according to law and hence, there is no merit in the petition.

8. The petition is dismissed.
9. Rule is discharged. Pending application(s), if any, stand(s) disposed of.

**JUDGE**

**JUDGE**

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