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

CRIMINAL WRIT PETITION NO.395 OF 2020

Devprasad @ Deva Bhujbal Devsare,
Convict No.C/10313, Aged 33 years,
Occupation : Nil, Confined at
Central Prison, Nagpur.

..... **Petitioner.**

:: VERSUS ::

1. State of Maharashtra, through
Deputy Inspect General of
Prison, Eastern Region, Nagpur.

2. The Superintendent, Central
Prison, Nagpur.

..... **Respondents.**

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Ms S.D.Wankhede, Counsel for the Petitioner.

Shri S.M.Ghodeswar, Additional Public Prosecutor for
Respondents/State.

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

DATE : AUGUST 27, 2021

ORAL JUDGMENT (Per : Amit B.Borkar, J.)

1. Heard learned counsel Ms S.D.Wankhede for the
petitioner and learned Additional Public Prosecutor Shri
S.M.Ghodeswar for respondents/State.

2. By this writ petition under Articles 226 and 227 of the

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Constitution of India, the petitioner is challenging order dated 22.5.2020, impugned in this writ petition, passed by respondent No.1 whereby application of the petitioner for grant of furlough leave has been rejected.

3. The petitioner is convicted for offences punishable under Sections 302, 364(a), 201, 120-b read with Section 34 of the Indian Penal Code and is undergoing imprisonment for life. On day of filing of the application for grant of furlough leave, the petitioner had completed sentence of 3 years, 1 month, and 16 days. The petitioner, therefore, filed application for grant of furlough leave which is rejected by order dated 22.5.2020, impugned in this writ petition. Therefore, the present writ petition is filed challenging the said order.

4. On 21.7.2020, this Court issued Notices to respondents. Respondent No.2 filed its reply stating therein that since the petitioner has been convicted for offence punishable under Section 364(a) of the Indian Penal Code, he is not entitled for being released on furlough leave.

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5. We have carefully considered the order impugned in this writ petition and reply filed by the State authorities.

6. It is an undisputed fact that the petitioner has been convicted for offence punishable under Section 364(a) of the Indian Penal Code. The petitioner, therefore, is not eligible for being released on furlough leave as per Rules 4(4) and 4(6) of the Prisons (Bombay Furlough and Parole) Rules, 1959. There is no illegality while exercising powers by respondent No.1.

7. In this view of the matter, since there is no merit in the petition, the criminal writ petition is **dismissed** and disposed of accordingly.

JUDGE

JUDGE

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