

(1)

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

CRIMINAL WRIT PETITION NO. 676/2020

Sanjay s/o Puran Bagde,
Aged about 32 years,
R/o Sagar Wadi, Tq. Daryapur,
Dist. Amravati.
(Convict No. C/5501, At present at
Amravati Central Prison.)

..... PETITIONER

// VERSUS //

1. Deputy Inspector General (Prisons)
(Eastern Region), Nagpur.

2. The Superintendent, Amravati
Central Prison, Amravati.

.... RESPONDENTS

Miss. S. B. Khobragade, Advocate for petitioner.
Miss. N. R. Tripathi, APP for the respondents.

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

DATED : 18/02/2021

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

1] An alternate remedy in the nature of an appeal to be filed before Inspector General (Prisons) is available to the petitioner. Learned counsel for the petitioner submits that petitioner does not intend to resort to the alternate remedy and would press this petition on its merits.

(2)

2] Accordingly, we have heard learned counsel for the petitioner and learned APP for the respondents.

3] **Rule.** Rule made returnable forthwith. Heard finally by consent.

4] Firstly, we are not inclined to entertain this petition, for the reason that an effective alternate remedy is available to the petitioner which he does not wish to avail of and the petitioner has no justification under his belt for his such refusal to take recourse to the alternate remedy. Thus, on this ground alone, this petition deserves to be dismissed.

5] When we come to consideration of merits of the matter, again we find that this petition cannot be allowed for the reason that the conduct of the petitioner in the jail is improper. Under Rule 4(6) of the The Prisons (Bombay Furlough and Parole) Rules, 1959, a prisoner is not eligible to avail of the furlough leave if his work and conduct, in the opinion of the Superintendent of the Prison is unsatisfactory. The impugned order categorically records a fact that there is an adverse opinion given by the Jail Superintendent.

6] In the result, we are of the view that there is no merit in the petition. The Writ Petition stands dismissed.

(3)

Rule is discharged.

(AVINASH G. GHAROTE, J)

(SUNIL B. SHUKRE J.)

Sarkate.