

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

CRIMINAL WRIT PETITION NO.1167/2018

Naresh Kisan Wanjari,
Convict No.C/3718
Central Prison, Amravati.

..... PETITIONER

// VERSUS //

1. Deputy Inspector General (Prisons) (East)
Nagpur.

2. The Superintendent,
Central Prison, Amravati.

.... RESPONDENTS

Shri Mir Nagman Ali, Advocate for petitioner
Shri A. S. Fulzele, Addl. P. P. for the respondents.

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

DATED : 23/02/2021

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

1] Heard. **Rule.** Rule made returnable forthwith.

2] Heard finally by consent of the learned counsel appearing
for the parties.

3] The petitioner has been refused furlough leave on the
ground that his conduct is not satisfactory and that even now he

continues to flout the orders by reporting back to the Jail Authorities late whenever, he has been released either on furlough or parole. Learned counsel for the petitioner submits that the late reporting incidents were very old and therefore, they do not have any live link with the present conduct of the petitioner. He submits that by efflux of time, the whole incidence of late reporting has been rendered irrelevant.

4] Learned Addl. P. P. submits that there is a latest incident of late reporting which pertains to release of this petitioner on furlough on 08.09.2020 and at that time, the petitioner had surrendered before the Jail Authorities after a delay of four days.

5] On going through the chart given in the reply of the respondents, it becomes clear that unsatisfactory conduct of the petitioner is continuous even today and last breach of the release order was committed at a time when he was released on death parole on 08.09.2020. At that time, the petitioner had reported back to the Jail Authorities after a delay of four days. There is no dispute about this fact. Therefore, we are of the opinion that no infirmity could be found in the order.

6] In judgments relied upon by learned counsel for the petitioner which are *Prakash Waman Wahurwagh Vs. Deputy Inspector General of Prison, Eastern Region, Nagpur and anr.*, **Criminal Writ**

Petition No.756 of 2018, *decided on 08.04.2019* and *Rambharose @ Ranga Pannalai Malviya Vs. State of Maharashtra, Through Deputy Inspector General of Prison, Eastern Region, Nagpur and another*, **Criminal Writ Petition No. WP 781 of 2018**, *decided on 18.02.2019*, a lot of time had passed by after the petitioner had committed the breach and therefore, it was thought that another chance be given to the petitioner involved therein. It was also found that by efflux of time, the live link with the previous misconduct was snapped with the present conduct of the petitioner. These facts are different from the facts of the present case as noted above and therefore, no assistance of these cases would go to the petitioner.

7] The Writ Petition stands dismissed.

Rule is discharged.

(AVINASH G. GHAROTE, J)

(SUNIL B. SHUKRE J.)