

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 5677 OF 2021**

Sandip Suresh Gurav

...Petitioner

V/s.

The State Of Maharashtra

...Respondent

Ms. D. Dhanalakshmi Iyer, Appointed Advocate for Petitioner.

Mr. S.S. Hulke, A.P.P. for the Respondent-State.

Mr. Chandrakant Kadam, Jailor, Group -2, Nashik Road Central Prison.
Nashik is present.**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 8th FEBRUARY, 2023.****PC.:-**

. Heard Ms. D. Dhanalakshmi Iyer, learned Advocate appointed to represent Petitioner. Mr. S.S. Hulke, learned A.P.P. for the Respondent – State. Perused record.

2. Record discloses that, when the Petitioner was earlier released on furlough leave in the year 2010, he did not report to Jail Authority within stipulated period and was to be arrested by the Police and brought back to Jail with a delay of 138 days. That, the Petitioner was released on furlough leave in the year 2013, at that time also he did not report to Jail Authority within stipulated period and was to be arrested and brought back to Jail with a delay of 9 days. Subsequently in the year 2014, when the Petitioner was released on furlough leave, he absconded, was to be arrested by the Police and brought back to Jail with a delay of 480 days. Because of the

indiscipline of the Petitioner, non-cognizable offence under Section 323 of Indian Penal Code has been registered with Nashik Road Police Station.

3. After considering the aforestated facts, the request of Petitioner for releasing him on furlough leave has been turned out by the Competent Authority, which has been upheld by the Appellate Authority by its impugned Order dated 30.01.2020.

4. In view of the facts mentioned in Para No.2 above, we are of the opinion that, the Appellate Authority has not committed any error while passing the impugned Order dated 30.01.2020.

5. Petition is accordingly dismissed.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)