

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.2700 OF 2014

Rajesh Samaydin Chaudhari

Petitioner

versus

The State of Maharashtra

Respondent

Mr.Shailesh Kharat, appointed Advocate for Petitioner.

Mrs.M.H.Mhatre, APP, for State.

**CORAM : A.S.GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 2nd February 2023

PC :

1. It is the grievance of Petitioner that, Crime bearing No.315 of 2013 under Sections 224 of Indian Penal Code has been wrongly filed against him by police and therefore he has been deprived with certain facilities or benefits under the Rules by the Jail Authority.
2. Heard Mr.Kharat, learned Advocate appointed to represent Petitioner and learned APP Mrs.Mhatre. Perused record produced before us and affidavit dated 11th October 2022 filed by Superintendent, Nashik Road Central Prison, Nashik.
3. It is an admitted fact on record that, Petitioner was released on parole leave on 23rd November 2012 for the treatment of his mother. Petitioner was supposed to return to jail on 23rd December 2012. On the request of Petitioner, his parole leave was extended by 60 days

and therefore Petitioner was supposed to return to prison on 22nd February 2013. As the Petitioner did not return to Jail Authority on 22nd February 2013 and found to be absconding, a Crime bearing No.315 of 2013 u/s.224 of IPC has been lodged against him. Record indicates that, when Petitioner was on parole leave he committed a crime bearing No.150 of 2014 u/s.307, 34, 120B of IPC and u/s.3, 25 of Arms Act registered with Shivaji Nagar Police Station, Mumbai. Petitioner was arrested in the said crime and after lapse of about 280 days he was transferred to Nashik Road Central Prison.

4. In view of aforestated admitted position, we are not inclined to accept request of Petitioner. According to us, present petition is devoid of merits and is dismissed.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST