

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 186 OF 2024**

Chandar Armogam Naykar
@ Ganeshmani Kondram

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Ms.Chandani Chawla for Petitioner.

Mr. J.P. Yagnik, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 29th February 2024.

P.C. :

1) Petitioner, a convict in Sessions Case No. 618 of 2008 under Section 302 of Indian Penal Code (I.P.C.) has impugned Order dated 23rd March 2023 passed by the Additional Director General and Inspector General of Prisons, Maharashtra State, Pune-1, dismissing his Appeal preferred against the Order dated 12th December 2022, rejecting his application dated 31st March 2022, for furlough leave.

2) Learned Advocate for the Petitioner submitted that, the Petitioner has not been released on furlough leave in last about 10 years. That, furlough leave is a legal right of the Petitioner for maintaining his ties with family and therefore both the Authorities below have committed an error in rejecting the application for furlough leave of the Petitioner. She

therefore prayed that, the impugned Orders be set-aside by allowing present Petition.

3) Record indicates that, the Petitioner was released on furlough leave in the year 2010 i.e. on 30th December 2010 for 14 days and he was supposed to return to the jail Authority on 14th January 2011. However, he absconded. The Petitioner was subsequently arrested in CR No. 57 of 2014 registered with Karad Police Station, District Satara, under Section 399, 402 of Indian Penal Code and under Sections 3 & 25 of Indian Arms Act, and was brought back to prison after a lapse of about 1124 days. The conduct of the Petitioner that, when he was released on furlough leave he did not report back to the jail Authority within stipulated period and committed a crime at Karad city itself is sufficient to reject his application for furlough leave. The conduct of Petitioner indicates that, he is having strong inclination towards criminality and his incarceration has not resulted into his reformation at least till date.

4) In view of the above, we find that, both the Authorities below have not committed any error while rejecting application for furlough leave of the Petitioner.

5) Petition being *dehors* of merits is accordingly dismissed.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)