

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1703 OF 2015

Kiran Anil Pujari

... Petitioner

Vs.

The State of Maharashtra

... Respondent

Ms.Rohini Dandekar, Advocate appointed for the Petitioner
Mr.H.J. Dedia, APP, for Respondent - State

CORAM: **SMT. V.K. TAHILRAMANI &
MRS.MRIDULA BHATKAR, JJ.**

DATE: **AUGUST 2, 2016**

ORAL ORDER (PER SMT.V.K. TAHILRAMANI, J.):

1. Heard both sides.
2. Rule. By consent, Rule is made returnable forthwith.
3. The petitioner is praying for parole on the ground of illness of his father. The petitioner preferred an application for parole on 5.11.2014. The said application came to be rejected by order dated 20.2.2015, hence, this petition.
4. It is seen that against the rejection of the application for parole, remedy of appeal is provided. The petitioner has not exhausted that remedy. The Constitution Bench of the Supreme Court in the case of

Thansingh Nathmal and others Vs. Superintendent of Taxes Dhubri¹,
has observed that when there is an alternate remedy, writ petition should not be entertained. Looking to the fact that the petitioner has an alternate remedy of preferring the appeal, we are not inclined to entertain the present petition. Hence, rule is discharged.

5. If the petitioner prefers the appeal, the appeal to be disposed of as expeditiously as possible by the concerned authorities.

6. Fees to be paid to the appointed Counsel are quantified at Rs.2,500/-.

7. Office to communicate this order to the petitioner who is in Kolhapur Central Prison, Kolhapur.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)

¹ AIR 1962 SC 1419