

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2163 OF 2015

Prakash @ Buddha Ramchandra Shinde.	Petitioner
vs.	
The State of Maharashtra	Respondent

None present for the petitioner.
Mr.H.J.Dedia, APP, for the State.

**CORAM: SMT. V.K.TAHILRAMANI,ACTING C.J. &
SMT. SADHANA S.JADHAV,J.**
DATE : 5th January, 2016.

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

The petitioner has preferred this Petition through jail. Hence, we appoint Advocate Ms. Rohini Dandekar, who is on the panel of the Advocates of High Court Legal Services Committee, Bombay to represent the Petitioner in this petition.

2. Rule. Rule is made returnable forthwith.

3. The petitioner had preferred an application for parole on the ground of illness of his father. The said application for parole came to be rejected by order dated 7.3.2015. Being aggrieved thereby, the petitioner

has preferred this petition.

4. If an application for parole is rejected, there is a remedy of appeal before the Home Department (Prisons). It is seen that the Petitioner has not exhausted this remedy of appeal.

5. The Constitution Bench of the Supreme Court in the case of **Thansingh Nathmal & Ors. vs The Superintendent of Taxes, Dhubri & Ors. AIR 1964 SC 1419** has stated that if an alternative remedy is available, a writ petition should not be entertained. In this view of the matter, we are not inclined to interfere and it would be appropriate that the petitioner prefers an appeal against the order of rejection of his application for parole.

6. In view of the above, Rule is discharged. The petition is disposed of.

7. Fees be paid to the appointed Advocate as per Rules.

[SMT.SADHANA S.JADHAV, J.]

[ACTING CHIEF JUSTICE]