

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2709 OF 2016

Dharmaraj @ Sai Laxman Das
through his mother Jaylaxmi Laxman Das ... Petitioner
Vs.
The State of Maharashtra ... Respondent

Mr. Prosper D'souza, Advocate appointed for the petitioner.
Mr. H.J. Dedia, APP for the Respondent – State.

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

DATE: AUGUST 31, 2016

P.C.:

1. Heard both sides.
2. Rule. By consent, Rule is made returnable forthwith.
3. This Petition is preferred by Jaylaxmi Das, who is the mother of the prisoner Dharmaraj alias Sai Das. In this Petition, it is prayed that parole be granted to her son, i.e., Dharmaraj Das.
4. The prisoner preferred an application for parole on 28th November, 2016. The said application came to be rejected by the Divisional Commissioner by order dated 18th March, 2016. Being aggrieved thereby, this Petition has been preferred.

5. It is a settled legal position that against an order of rejection of an application for parole, the Appeal is provided. The Constitution Bench of the Supreme Court in the case of **Thansingh Nathmal & Ors. Vs. Superintendent of Taxes, reported in AIR 1964 SC 1419** has observed that when there is an alternate efficacious remedy, a Writ Petition should not be entertained.

6. It is seen that an alternate efficacious remedy is available to the prisoner of preferring an Appeal against the order of rejection of the application for parole. Hence, the prisoner is relegated to that remedy. In case an Appeal is preferred, the same to be decided as expeditiously as possible.

7. In view of the above, we are not inclined to interfere. Hence, Rule is discharged.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)