

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL WRIT PETITIONER NO.4315 OF 2016

Babakhan @ Babahsaheb Shivaji Bhosale ... **Petitioner**

V/s.

The State of Maharashtra ... **Respondent**

.....

Mr.Prosper D'souza, Advocate for the Petitioner.

Mr.Arfan Sait, APP for the Respondent/State.

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**CORAM : SMT.V.K.TAHILRAMANI &
A. M. BADAR JJ.**

DATED : 22nd DECEMBER 2016.

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

1 Heard both sides.

2 Rule. Rule is made returnable forthwith and the matter is heard finally.

3 The petitioner preferred an application for death parole on 18/05/2016. The said application was rejected on 14/09/2016, hence this petition.

4 The brother of the petitioner has expired on 30/04/2016. Thereafter, the petitioner preferred an

application for death parole on 18/05/2016. The said application has been rejected. However, there is remedy of preferring an appeal, which has been communicated to the detenue by the order of rejection dated 14/09/2016 which has been annexed by the petitioner to this petition.

5 In this view of the matter, we are not inclined to interfere and the petitioner is relegated to the remedy of preferring an appeal, hence Rule is discharged.

6 Office to communicate this order to the petitioner, who is in Nashik Road Central Prison.

(A. M. BADAR J.) (SMT. V. K. TAHILRAMANI J.)