

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 1902 OF 2017
IN
CRIMINAL APPEAL NO. 665 OF 2014**

Kiran Appasaheb Shethe ...APPLICANT

versus

The State of Maharashtra ...RESPONDENT

.....
Mr. N.R. Thorat, Advocate holding for
Mr. Girish B. Kadlag, Advocate for applicant -appellant
Ms. P.V. Diggikar, APP for Respondent -State

...
WITH
CRIMINAL APPEAL No. 564 of 2014
CORAM : S.S. SHINDE AND
K.K. SONAWANE, JJ.

DATED : 12th APRIL, 2017.

Order :-

1. Mr. Jagasi, learned counsel makes an oral prayer for discharge from the matter since he has given no objection in favour of the advocate Mr. Girish B. Kadlag.
2. In that view of matter, appearance of Advocate Mr. Jagasi for appellant in criminal Appeal No. 665 of 2014 stands discharged.
3. This application is filed with two fold prayers. Firstly, to suspend the sentence of the applicant-appellant and to release

him on temporary bail so as to enable him to attend the marriage of his sister to be held on 17-04-2017 at Kopargaon. There is another prayer to release the applicant on parole leave for a period of 15 days for marriage ceremony of his sister.

4. So far as first prayer is concerned, firstly this application is filed too late and secondly in absence of any surety, it may not be possible to consider the prayer for suspending the sentence for temporary period and release him on bail.

5. So far as second prayer to release the applicant on parole leave is concerned, the learned APP appearing for the State submits that applicant is undergoing imprisonment in Yerwada Jail, Pune. He should have applied to the concerned authority at Pune and this Court cannot issue any direction to the said authority to consider the prayer of the applicant to release him on parole leave in view of territorial jurisdiction prescribed in The Bombay High Court, Appellate Sides Rules, 1960.

6. At this stage, learned counsel appearing for the applicant makes oral prayer to allow him to approach concerned authority at Pune for his release on parole leave. As already observed, we cannot issue any direction to the authority at Pune. In case, the application is filed by the applicant, concerned authority to consider the same in accordance with the Prison (Bombay

Furlough and Parole) Rules 1959 and on its own merits.

7. With above observations, application stands disposed of.
8. Parties to act upon authenticated copy of this order.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S.S. SHINDE, J.]

MTK