

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 518 OF 2017**

Amol Ambadas Bankar]
Age Adult, Occ: Nil]
Residing at C/o Sangeeta Balu Borate]
Village Kathi, Tal. Indapur, Dist.Pune]
Presently lodged in Kalamba Central]
Prison, Kolhapur].. Petitioner

Vs.

1. The State of Maharashtra]
]]
2. The Deputy Inspector General,]
Prison, Pune-6]
]]
3. The Inspector General, Prison,]
Pune-1, Maharashtra]
]]
4. The Superintendent of Jail]
Kalamba Central, Prison,]
Kolhapur]..Respondents

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Mr. B.G. Tangsali Advocate i/b Mr. Santosh S. Musale Advocate
for Petitioner

Mr. H.J. Dedia A.P.P. for the State

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**CORAM : SMT.V.K.TAHILRAMANI AND
REVATI MOHITE DERE, JJ.**

DATED : MARCH 24, 2017

ORAL JUDGMENT [PER SMT. V.K.TAHILRAMANI, J.]:

1 Heard both sides.

2 The petitioner preferred an application for furlough on 31.3.2016. It was rejected by order dated 18.6.2016. Being aggrieved thereby, the petitioner preferred an appeal. By order dated 5.10.2016, the appeal came to be dismissed, hence, this petition.

3 The appeal came to be dismissed on the ground that on 28.8.2015 when the petitioner was released on parole for a period of 30 days, he did not report back in time and ultimately he was arrested by the police and brought back to the prison. The second reason for rejecting the application of the petitioner for parole is that in view of the Notification dated 23.3.2012, prisoners who have been convicted for 'kidnapping' would not be released on furlough, hence, as the petitioner has been convicted under Section 364 of IPC, his application for furlough came to be rejected. In Criminal Writ Petition No. 3325 of 2014 the vires of Notification dated 23.2.2012 was challenged before this Court. This Court (Coram: Smt.

V.K.Tahilramani and Smt. Anuja Prabhudessai, JJ.), by judgment and order dated 5.5.2016, had turned down the said Notification and held that the Notification was ***intra vires***. In this view of the matter, we cannot find fault with the authorities for rejecting the application of the petitioner for furlough, hence, we are not inclined to interfere. Rule is discharged. Petition is dismissed.

[REVATI MOHITE DERE, J.]

[SMT.V.K.TAHILRAMANI, J.]

Kandarkar