

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2086 OF 2017

Kamal Mayaram Kanojia

.....Petitioner

V/s.

The State of Maharashtra

.....Respondent

Mr. Prosper D'Souza, Advocate appointed for Petitioner.

Mr. H.J.Dedhia, APP for Respondent-State.

**CORAM : SMT. V.K. TAHILRAMANI, &
SANDEEP K. SHINDE, JJ.**

DATE : July 13, 2017.

ORAL JUDGMENT : [Per Smt. V.K.Tahilramani, J.]

The petitioner preferred an application for furlough on 21.7.2014 as the petitioner wants to avail furlough in the state of UP, report was called from UP. After considerable delay, report was received from UP Police. Thereafter, application of the petitioner for furlough came to be rejected by order dated 30.11.2016. Being aggrieved thereby, petitioner preferred an appeal which was dismissed by order dated 8.3.2017 hence, this petition.

2 Application of the petitioner for furlough came to be rejected in view of the fact that he was convicted of the offence punishable under Section 392 and 394 of IPC. Rule 4(2) of the Prisons (Bombay Furlough and Parole) Rules, 1959 provides that prisoner convicted of offences under Sections 392 to 402 of IPC will not be considered for release on furlough. In view of Rule 4(2), no error can be found in the order of the authority rejecting application for furlough hence, rule is discharged.

(SANDEEP K. SHINDE, J) (SMT. V.K. TAHILRAMANI, J)