

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 2551 OF 2017

Salim Yakub Shaikh	...	Petitioner
V/s.		
The State of Maharashtra and Ors.	...	Respondents

- Ms.Rohini M. Dandekar, Advocate appointed for the Petitioner.
- Ms.G.P. Mulekar, A.P.P. for the Respondent-State.

**CORAM : SMT. V.K. TAHILRAMANI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.**

DATE : 22nd AUGUST, 2017.

PER COURT :

- 1] Heard both sides.
- 2] The Petitioner has preferred an application for parole which was granted. Pursuant thereto he was released on parole on 18/6/2016 for a period of 30 days. The Petitioner, thereafter, preferred application for extension of parole on 9/7/2016 and thereafter on 19/8/2016 the said application for extension of parole came to be rejected, hence this petition.
- 3] The Petitioner is praying that he may be granted extension of parole of 30 + 30 days.

4] Against the order of rejection, appeal is provided. Infact the order of rejection dated 2/8/2016 clearly states that Petitioner can appeal against the said order to the State Government. It is seen that the Petitioner has not preferred an appeal to the State Government.

5] The Constitution Bench of the Hon'ble Supreme Court in case of *Thansing Nathmal and Ors. Vs. Superintendent of Taxes Dhubri*, reported in AIR 1964 SC 1419 has observed that when there is an alternate remedy, the writ petition should not be entertained.

6] In this view of the matter, we are not inclined to interfere in this writ petition and the Petitioner is relegated to avail the remedy of preferring an appeal. However, there may be delay in preferring the appeal. The Appellate Authority to condone the said delay and consider the appeal of the Petitioner on merits.

7] Writ Petition is disposed of in above terms.

8] Office to communicate this order to the Petitioner who is in Yerwada Open District Prison, Pune.

(DR. SHALINI PHANSALKAR-JOSHI, J.) (SMT. V.K. TAHILRAMANI, J.)