

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2992 OF 2017

Mohammad Raees Shehjade Ansari (Through Jail) Petitioner

Versus

The State of Maharashtra

.... Respondent

Mr. Prosper D'Souza, Appointed Advocate, for the Petitioner.

Mrs. G.P. Mulekar, A.P.P., for the Respondent-State.

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

DATE : 23RD AUGUST, 2017.

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

1. Heard both sides.
2. The case of the Petitioner is that he preferred an application for furlough on 29th December 2016 and the said application has not been decided. The learned A.P.P. pointed out that as the Police Report was not received, the application of the Petitioner for furlough could not be decided. The Police Report was received yesterday, i.e. 22nd August 2017, and the application of the Petitioner came to be rejected yesterday.

3. Against the order of rejection, the Petitioner has remedy of preferring an Appeal. Hence, we are not inclined to interfere and the Petitioner is relegated to that remedy.

4. In addition, it is seen that the Petitioner has prayed that this Court may give direction that Appeal against rejection of furlough can be preferred directly to the High Court. When there is a provision for Appeal, the said provision has to be followed and it is not possible for this Court to give any such direction. Thus, we are not inclined to interfere. Writ Petition is dismissed. Rule is discharged.

5. Office to communicate this order to the Petitioner, who is in Aurangabad Central Prison, Aurangabad.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

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