

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3045 OF 2017

Kiran Balu Pawar (Through Jail)		Petitioner
<i>Versus</i>		
The State of Maharashtra		Respondent

Ms. Rohini M. Dandekar, Appointed Advocate, for the Petitioner.
Mr. Arfan Sait, 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. Petitioner preferred an application for furlough on 16th December 2016. The said application was rejected by order dated 27th January 2017. Being aggrieved thereby, the Petitioner preferred an Appeal. The said Appeal was dismissed by order dated 18th May 2017. Hence, this Petition.
3. The application of the Petitioner for furlough came to be rejected on the ground that he has been convicted in a case under Section 376 of IPC; more specifically u/s. 376(2)(f) of IPC.

4. By Notification dated 1st December 2015, Rule 4(2) of The Prisons (Bombay Furlough and Parole) Rules, 1959, has been amended. Rule 4 sets out the cases when prisoners shall not be granted furlough. Sub-rule (2) of Rule 4 states that the persons convicted of offences u/s. 376, 392 to 402 shall not be considered for release on furlough.

5. As the Petitioner has been convicted under Section 376 of IPC, we cannot find any fault with the authorities for rejecting the application of the Petitioner for furlough. Hence, the Petition is dismissed. Rule is discharged.

6. Office to communicate this order to the Petitioner, who is in Nashik Road Central Prison, Nashik.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

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