

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

WRIT PETITION NO. 3183 OF 2017

Ganesh Bachhu Valvi	...	Petitioner
V/s.		
The State of Maharashtra	...	Respondent

- Mr. Prosper D'Souza, Advocate appointed 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 : 7th SEPTEMBER, 2017.

ORAL JUDGMENT (PER : SMT. V.K. TAHILRAMANI, J.) :-

1] Heard both sides.

2] The Petitioner has preferred an application for parole on 11/11/2016. The said application was rejected on 20/03/2017. Being aggrieved thereby, the Petitioner preferred an appeal. The appeal was dismissed by order dated 12/06/2017; hence this petition.

3] The application of the Petitioner for parole came to be rejected on the ground that in view of "Notification" dated

26/08/2016, if a person is sentenced to life and whose sentence exceeds 14 years, he would be considered for first release on regular parole after completing 3 years of imprisonment after the date of conviction. The Petitioner has been convicted under Section 302 read with 34 of Indian Penal Code by judgment and order dated 18/02/2016. Thus, the period of 3 years from the date of conviction has not yet lapsed.

4] In this view of the matter, we cannot find any error in the order of Authorities, stating that as the Petitioner has not undergone necessary period of imprisonment after his conviction, he is not eligible to grant parole. Thus, we are not inclined to interfere in the impugned order.

5] Rule is discharged.

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