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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3662 OF 2017

Ganesh Uttam Kamble

...Petitioner

vs.

The State of Maharashtra

...Respondent

.....
Mr. Prosper D'Souza, Advocate appointed for the petitioner.

Mr. Arfan Sait, A.P.P. for the State.
.....

**CORAM : SMT. V.K. TAHILRAMANI &
M.S.KARNIK, J.J.**

DATE : 10th October, 2017.

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

Heard both sides. The petitioner preferred an application for parole on 17/10/2016. The said application was rejected by order dated 7/1/2017. Being aggrieved thereby the petitioner preferred an appeal. The appeal was dismissed by order dated 30/3/2017, hence this petition.

2. One of the reasons for rejecting the application of the petitioner for parole is that he was convicted for the offence under

Section 376 of the Indian Penal Code i.e. rape. As per Notification dated 1/12/2015, the prisoners who are convicted for the offence of rape, are not entitled to release on parole. As stated earlier, the petitioner has been convicted under Section 376 of Indian Penal Code, hence, we cannot find any error in the order rejecting the application of the petitioner for parole. Hence, no case is made out for interference. Rule is discharged.

3. The office to communicate this order to the petitioner who is in Yerwada Central Prison, Pune.

(M.S. KARNIK, J.)

(SMT. V.K. TAHILRAMANI J.)