

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3764 OF 2017

Pandharinath Babu Mhatre	.. Petitioner
Vs.	
The State of Maharashtra	.. Respondent

Mr. Prosper D'Souza, for the Petitioner.
Mr. Arfan Sait, APP for State.

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

12th OCTOBER, 2017

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

1. Heard both sides.

2. The petitioner preferred an application for furlough on 05/11/2016. The said application was rejected by order dated 20/04/2017. Being aggrieved thereby, the petitioner preferred an Appeal. The said Appeal was dismissed by order dated 02/08/2017. Hence, this Petition.

3. The application of the petitioner came to be rejected on the ground that the Appeal preferred by the petitioner against his conviction and sentence is pending before this Court. Notification dated 26/08/2016 states that a prisoner whose appeals against conviction are pending before the higher forum cannot be released on parole or furlough. In view of the notification, no error can be found in the orders dated 20/04/2017 and 02/08/2017. Thus, no case is made out for interference. Rule is discharged.

4. Office to communicate this order to the petitioner who is in Nashik Road Central Prison.

(M.S.KARNIK, J.)

(SMT. V.K.TAHILRAMANI, J.)