

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
**CRIMINAL WRIT PETITION NO. 3777 OF 2017**

|                          |               |
|--------------------------|---------------|
| Balasaheb Laxman Dabhade | .. 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.**

**12<sup>th</sup> OCTOBER, 2017**

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

1. Heard both sides.
2. The petitioner preferred an application for parole on 24/12/2016 on the ground of illness of his mother. The said application came to be rejected by order dated 13/04/2017. Being aggrieved thereby, the petitioner preferred an Appeal. The Appeal was dismissed by order dated 30/06/2017. Hence, this Appeal.
3. The petitioner is undergoing imprisonment as he has

been convicted under section 377 of IPC for committing unnatural sexual act on minor child. His application for parole came to be rejected as he was convicted under Sections 377 IPC.

4. Learned APP placed reliance on the notification dated 01/12/2015 which states that prisoners who have been convicted under Sections 376 or 377 of IPC shall not be eligible to be released on furlough. Thereafter reliance is placed on the notification dated 26/08/2016 wherein it is stated that under Rule 19, all the prisoners eligible for furlough shall be eligible for regular parole. Learned APP submitted that in view of the notification dated 01/12/2015, the petitioner would not have been entitled to be released on furlough. Hence, in view of notification dated 26/08/2016, the petitioner would not be eligible to be released on parole. In view of these notifications, no error can be found in the orders of the Authority dated 13/04/2017 and 30/06/2017. Thus, no case is made out for interference. Rule is discharged.

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

(M.S.KARNIK, J.)

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