

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4051 OF 2017

Vijay Mahadu Mane	.. Petitioner
Vs.	
The State of Maharashtra	.. Respondent

Mr. Prosper D'Souza, for the Petitioner.
Mrs. G.P. Mulekar, APP for State.

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

14th NOVEMBER, 2017

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

1. Heard both sides.
2. The petitioner preferred an application for furlough on 09/12/2016. The said application was rejected by order dated 03/04/2017. Being aggrieved thereby, the petitioner preferred Appeal. Appeal was dismissed by order dated 07/08/2017. Hence, this Petition.
3. One of the grounds for rejecting the application of

the petitioner for furlough is that the Appeal against the conviction of the petitioner is pending before the higher forum i.e. Supreme Court.

4. Notification dated 26/08/2016 provides that if any Appeal preferred by the prisoner against his conviction is pending before the higher Court in which bail has not been granted, then in such case, furlough cannot be granted to such prisoner. In view of these facts, we are not inclined to interfere, hence, Rule is discharged. Office to communicate this order to the petitioner who is in Nashik Road Central Prison.

(M.S.KARNIK, J.)

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