

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4052 OF 2017

Hiraman Rama Bhoye .. Petitioner
Vs.
The Divisional Commissioner .. Respondent

Ms.Rohini Dandekar, for the Petitioner.
Mr.Arfan Sait, APP for State.

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

14th NOVEMBER, 2017

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

1. Heard both sides.
2. The petitioner preferred an application for parole on 17/11/2014 on the ground of illness of his father. As the petitioner wanted to spend his period of parole in the State of Gujarat, police report was called from Vapi in the State of Gujarat. Gujarat police sent report dated 20/01/2014 which was received by the jail authorities on 17/02/2014. However, as the petitioner did not agree with the said enquiry report sent by

the Gujarat police, by letter dated 06/03/2014, he asked for a fresh inquiry report from the Gujarat police. Hence, fresh enquiry report was called for, however, till 15/07/2017, no fresh enquiry report was received from Gujarat police. Hence, by order dated 15/07/2017, the application of the petitioner for parole came to be rejected.

3. Being aggrieved by the above order of rejection, this Petition has been preferred.

4. However, it is seen that against the order rejecting an application for parole, remedy of Appeal has been provided. The petitioner has not exhausted the said remedy and has directly approached this Court. The Constitution Bench of the Supreme Court in case of **Thansingh Nathmal Vs. The Superintendent of Taxes, Dhubri and others**, reported in **A.I.R. 1964 SC 1419**, has held that "when an alternate remedy is available, a writ petition should not be entertained". In this view of the matter, we are not inclined to interfere and the

petitioner is relegated to the remedy available to him of appeal.

Rule is discharged.

(M.S.KARNIK, J.)

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