

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4974 OF 2017

Rakesh @ Bhaiya Shambhuprasad Gupta ...Petitioner

Versus

The State of Maharashtra ... Respondent

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Mr. Prosper D'souza for the Petitioner.

Mrs. G.P. Kulekar, APP for the State.

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

DATE : 18th DECEMBER, 2017.

P. C. :

1. Heard both the sides.
2. The petitioner preferred application for furlough. The grievance of the petitioner is that his application for furlough was not accepted by the authorities, as the appeal of the petitioner against his conviction and sentence is pending. Being aggrieved thereby, the petitioner has approached this Court.
3. The learned APP, on instructions, states that now circular dated 28th November, 2017 has been issued by the Government,

wherein it is stated that even if the appeal of the prisoners against conviction and sentence is pending before the higher forum, their application for furlough are to be accepted.

4. In this view of the matter, the petitioner to prefer an application for furlough to the concerned authority. The authorities to decide the same as expeditiously as possible.

5. Rule is made absolute in above terms.

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

(M. S. KARNIK, J.)

(ACTING CHIEF JUSTICE)