

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

CRIMINAL WRIT PETITION NO. 1833 OF 2018

Bablya @ Indrajeet Rangrao Patil	...Petitioner
Versus	
The State of Maharashtra & Ors.	...Respondents

Mr. Nagesh Chavan with Mr. N. Pawar for Petitioner.
Mr. Arfan Sait – APP for State.

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

DATE : 07 JUNE 2018

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

1] Heard both sides.

2] The petitioner preferred an application for furlough on 31st May 2016. The application was rejected by order dated 20th March 2017. Being aggrieved thereby, the petitioner preferred an appeal. The appeal was dismissed by order dated 5th October 2017, hence this petition.

3] It appears that the main reason for rejecting the application of the petitioner for furlough is that the appeal

preferred by him against his conviction and sentence is pending before the higher court. As per notification dated 26th August 2016 if the appeal preferred by the prisoner against his conviction and sentence was pending before the higher forum, he was not eligible to be granted parole or furlough. However, it is an admitted fact that now the said rule has been deleted which is clear from notification dated 16th April 2018. In this view of the matter, we set aside the orders dated 20th March 2017 and 5th October 2017 and the matter is remanded back to the sanctioning authority to consider the matter afresh and the same is to be done as expeditiously as possible.

4] Rule is made absolute in the above terms.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

CHANDKA