

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

CRIMINAL WRIT PETITION NO. 2781 OF 2017

Pandit Shankar Kalan	...Petitioner
Versus	
The State of Maharashtra	...Respondent

Mr. Propser D'souza – Advocate appointed for Petitioner.
Mr. Arfan Sait – APP for Respondent – State.

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

DATE : 26 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 said application was rejected by order dated 2nd September 2016. Instead of preferring an appeal against the order of rejection, the petitioner directly approached this Court by filing writ petition no. 3493 of 2017. The said writ petition was disposed of by order dated 27th September 2017. In the said order, it was observed that there is an alternate remedy available of preferring an appeal and the petitioner is relegated to the remedy of preferring appeal against the order of rejection of his application for furlough. Observing thus the writ petition came to be disposed of.

3] Thereafter the petitioner preferred an appeal to the appellate authority i.e. Additional D.G. on 2nd April 2018. Thereafter, the appellate authority by order dated 22nd June 2018 remanded the matter back to the sanctioning authority for considering the application of the petitioner for furlough afresh. The said order dated 22nd June 2018 is taken on record and marked 'X' for identification.

4] In view of the above facts, we are not inclined to interfere at this stage. In case the order of the sanctioning authority is adverse, it will be open to the petitioner to prefer an appeal and if the appeal is also decided against the petitioner, he can approach this Court.

5] With the above observations, the writ petition is disposed of. Rule is discharged.

6] Office to communicate this order to the petitioner who is lodged in Taloja Jail.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)