

D.S.S.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1028 OF 2018

Nitin G. Sartape

.. Petitioner

Versus

The Superintendent of Jail
 Thane Central Jail, Thane and Ors.

.. Respondents

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Appearances

Mr. Manish Mazgaonkar	<i>Advocate for the Petitioner</i>
Mr. Arfan Sait	<i>APP for the State</i>

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

DATE : APRIL 05, 2018.

ORAL JUDGMENT [PER SMT. V.K. TAHILRAMANI, A.C.J.] :

1. Heard both sides.

2. The petitioner preferred an application for furlough. The said application was rejected by order dated 30.1.2018. Being aggrieved thereby, the petitioner has preferred the present petition.

3. If an application for furlough is rejected, the remedy of appeal is provided. It is seen that the petitioner has not preferred an appeal and has directly preferred this writ petition. The Constitution Bench of the Supreme Court in ***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. If any appeal is preferred by the petitioner against the order of rejection, the said appeal to be disposed of as expeditiously as possible and preferably within a period of five weeks from the date of filing of such appeal.

4. As stated earlier, at this stage, we are not inclined to interfere, hence, Rule is discharged.

[M.S. SONAK, J]

[ACTING CHIEF JUSTICE]