

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

CRIMINAL WRIT PETITION NO. 1244 OF 2018

Parvez Farukh Dalvi	..Petitioner
Versus	
The State of Maharashtra	..Respondent

Mr. Prosper D'souza - Advocate appointed for Petitioner.
Mrs. G. P. Mulekar - APP for the Respondent - State.

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

DATE : 11 APRIL 2018

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

- 1] Heard both sides.
- 2] The case of the petitioner is that his father expired on 2nd February 2016, hence, the petitioner has prayed for being released on death parole. The Superintendent, Nashik Road Central Prison rejected the said application by order dated 9th December 2017. Being aggrieved thereby, the petitioner preferred an appeal to the Divisional Commissioner, Nashik. The said appeal was dismissed by an order dated 22nd March 2018. The order of the Divisional Commissioner dated 22nd March 2018 is taken on record and marked 'X' for identification.

3] In the said order it is stated that if he is aggrieved by the order dated 22nd March 2018, then he may prefer an appeal within eight days to the State Government. The order dated 22nd March 2018 has been served on the petitioner on 24th March 2018. However, it is seen that the petitioner has not preferred appeal to the State Government and he has directly approached this Court. As there is remedy of preferring an appeal, we are not inclined to entertain the present petition. The petitioner is relegated to the remedy of preferring an appeal to the State Government.

4] If the petitioner prefers an appeal to the State Government, the same be decided expeditiously by the State Government.

5] As stated above, at this stage, we are not inclined to interfere and hence Rule is discharged.

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

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

CHANDKA