

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

CRIMINAL WRIT PETITION NO. 1729 OF 2017

Ravi Mangal Shelke	...Petitioner
Versus	
The State of Maharashtra	...Respondent

Mr. Prosper D'Souza, Advocate appointed for the Petitioner.
Mr. Arfan Sait, APP for the Respondent – State.

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

DATE : 11.06.2018.

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

- 1] Heard both sides.
- 2] The petitioner has preferred an application for furlough on 01.09.2016. The said application was rejected by order dated 21.03.2017. Being aggrieved thereby, the petitioner has preferred an appeal. The appeal was dismissed by order dated 10.08.2017, hence, this petition.
- 3] The application of the petitioner for furlough was rejected mainly on the ground that the appeal preferred by the petitioner against his conviction and sentence is pending before the higher court. This was in pursuance to

Rule 4(11) of the Prisons (Bombay Furlough and Parole) Rules, 1959 (Rules 1959), as it stood then. The said Rule stated that when the appeal of a prisoner against his conviction is pending before the higher forum, he shall not be eligible to be granted furlough. However, by Notification dated 16.04.2018, the said Rule has been deleted. In this view of the matter, we set aside the orders dated 21.03.2017 and 15.02.2018 and remand the matter back to the Sanctioning Authority to decide the matter afresh.

4] Rule is made absolute in the above terms.

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

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

D.S.Sheria