

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

CRIMINAL WRIT PETITION NO. 3176 OF 2017

Mohd. Salim Wali Mohd. Qureshi ...Petitioner
Versus
The State of Maharashtra ...Respondent

Ms Rohini M. Dandekar, 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 : 25.04.2018.

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

- 1] Heard both sides.
- 2] The petitioner has preferred an application for furlough on 08.10.2016. The said application was rejected by order dated 23.01.2017. Being aggrieved thereby, the petitioner has preferred an appeal. The appeal was dismissed by order dated 30.05.2017, hence, this petition.
- 3] One of the main grounds for rejecting the application of the petitioner for furlough is that the appeal preferred by the petitioner against his conviction and sentence is

pending before the higher court. This was stated in Rule 4(11) of the Prisons (Bombay Furlough and Parole) Rules, 1959 (Rules 1959). However, by Notification dated 16.04.2018 the said Rule has been deleted. In view of this matter, we set aside the orders dated 23.01.2017 and 30.05.2017 and the matter is remanded back to Sanctioning Authority to consider the application of the petitioner for release on furlough 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.Sherla