

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

CRIMINAL WRIT PETITION NO. 4106 OF 2017

Avinash @ Pintya

Ashok Jadhav

...Petitioner

Versus

The State of Maharashtra

...Respondent

Mrs Nasreen S.K. Ayubi, Adv. Appointed for the Applicant.

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 15.11.2016. The said application was rejected by order dated 20.04.2017. Hence, this petition.

3] If an application for furlough is rejected, 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 Suptd. 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 entertain this petition and the petitioner is relegated to the remedy available to him of appeal. If an appeal is preferred by the petitioner against the order of rejection, the said appeal to be disposed of expeditiously.

4] Rule is disposed of in the above terms.

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

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

D.S.Sherla