

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2644 OF 2018**

Kishore Balkrishna Mhatre

.....Petitioner

Vs.

The State of Maharashtra

....Respondent.

Mr. Prosper D'Souza for the Petitioner.

Ms. M.H. Mhatre, APP for the Respondent-State.

CORAM : A. S. OKA, AND**A. S. GADKARI, JJ.****DATE : 4th JANUARY, 2019.****P.C.:-**

Heard the learned counsel appearing for the Petitioner and the learned APP for the Respondent-State.

2 The grievance made in this Petition received through Jail, is that the Petitioner is not being granted parole under the Provisions The Prisons (Bombay Furlough and Parole) Rules, 1959 (for short, "*The said Rules of 1959*").

3 The learned APP, has placed on record a copy of report dated 16th July, 2018 furnished by in-charge Superintendent of Yerwada Open Prison. In the report, it is stated that, with effect from 5th July, 2018, the Petitioner was granted furlough for a period of 28

days. In view of clause (c)(ii) of Amended Rule 13 of the said Rules of 1959, now the Petitioner cannot be granted parole for a period of six months from the date on which the Petitioner returned to prison on enjoying furlough.

4 In view of this factual position, no relief can be granted in this Petition under Article 226 of the Constitution of India as of today. Accordingly, the Petition is disposed of.

5 Registry to forward a copy of this Order to the Petitioner, through the Superintendent of Yerwada Open Prison.

(A.S. GADKARI, J.)

(A.S. OKA, J.)