IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 5484 OF 2018

Mohammad Raees Shehjade Ansari .....Petitioner

Vs.

The State of Maharashtra ....Respondent.

Mr. Shashikant P. Chaudhari, Appointed Advocate for the Petitioner.
Ms. P.P. Shinde, APP for the Respondent-State.

CORAM : A. S. OKA, AND
A. S. GADKARI, JJ.
DATE : 4th JANUARY, 2019.

P.C.:-

By the impugned Order dated 29th May, 2018, the Application made by the Petitioner for grant of parole under The Prisons (Bombay Furlough and Parole) Rules, 1959 (for short, "*The Rules, 1959*") has been rejected. Under the proviso to Sub-Rule (1) of Rule 18 of the said Rules, remedy of Appeal before the State Government is available to the Petitioner.

2 We, therefore, decline to entertain this Petition under Article 226 of the Constitution of India. The Petition is disposed off. The remedy of the Petitioner is kept open.

3 If an Appeal is preferred by the Petitioner, the concerned

Appellate Authority is bound to note that, the present Writ Petition dated 4th September, 2018 was forwarded by the office of the Jail Superintendent on 7th September 2018 and that the same remained pending till today. All the contentions on merits are kept open.

(A.S. GADKARI, J.) **(A.S. OKA, J.)**