

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**CRIMINAL WRIT PETITION NO. 978/2018**

**PETITIONER :** Sumit Bhimrao Sirsath  
 aged about 27 years,  
 At present detailed in Central Prison, Amravati,  
 having Prisoner No. C - 4788.

**...VERSUS...**

**RESPONDENTS:** 1. Deputy Inspector General (Prisons)  
 East Division, Nagpur.  
  
 3. Superintendent,  
 Central Prison, Amravati

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 None for petitioner  
 Shri D.P.Thakre, APP for respondent nos.1 and 2  
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**CORAM : SUNIL B. SHUKRE AND  
 AVINASH G. GHAROTE, JJ.**

**DATE : 07/12/2020.**

**ORAL JUDGMENT (PER : SUNIL B. SHUKRE, J.)**

.1] Rule. Rule made returnable forthwith. Heard the learned APP appearing for respondent Nos. 1 and 2 finally.

2] There is no dispute about the fact that the petitioner has been convicted for offence under Section 363 of Indian Penal Code and also under Section 6 of the Protection of Children from Sexual Offences Act, 2012. Section 6 of the said Act of 2012 is about the punishment prescribed for penetrative sexual assault. In

other words, this offence is one of rape. Rule 4(12) of the Prisons (Bombay Furlough & Parole) Rules, 1959, prescribes grant of furlough leave to the convicts. It is clear that petitioner is not entitled to be released on furlough.

3]           There is no merit in the petition. The petition stands dismissed. Rule is discharged.

4]           The legal remuneration of Rs.500/- be paid to the learned appointed counsel only for drafting.

**JUDGE**

**JUDGE**

Rvjalit