

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 632 OF 2021**

Sartajkhan Mumtazkhan Pathan

..... Petitioner.

V/s

The State of Maharashtra

..... Respondent.

Mr Harshad Sathe, appointed advocate for the Petitioner **(Absent)**.

Mr. Deepak Thakre, PP a/w Mrs Sangeeta D. Shinde, APP for the State.

**CORAM: S.S. SHINDE &
MANISH PITALE, JJ.**

DATE: APRIL 29, 2021

P.C.:-

1] The advocate who is appointed for the Petitioner is not present.

In view of the emergency, Petition is taken up for hearing forthwith.

2] Being aggrieved by the impugned order dated 28th September 2020 passed by the Superintendent, Nashik Road Central Prison, Nashik, this Petition is filed by the Petitioner.

3] The learned APP has placed on record the report submitted by the Superintendent, Nashik Road Central Prison, Nashik. Perused the

Report.

4] Heard the learned APP appearing for the State.

5] Perused the impugned order. It appears that the Petitioner is convicted for the offence punishable under Sections 364-A and Section 365 of the IPC.

6] The learned APP for the State submitted that in view of Rule 4(13) of the Prisons (Bombay Furlough and Parole) Rules, 1959, (For short “the said Rules”) Petitioner is not entitled to the relief sought.

7] Rule 4(13) of the said Rules reads thus :-

“(4) Eligibility for furlough.-

All Indian Prisoners except from following categories whose annual conduct reports are good shall be eligible for furlough:-

(1)..... to (12).....

(13) Who is sentenced for offences such as terrorist crimes, mutiny against State, kidnapping for ransom (Prisoners may be eligible for furlough after completion of stipulated sentence in the respective section);

(14)..... to (21).....”

8] In view of the aforesaid provision, prayer of the Petitioner cannot be acceded to.

9] Hence, the Writ Petition stands rejected.

10] Registry shall communicate this order to the Superintendent, Nashik-Road Central Prison, Nashik. In addition to the same, the learned APP shall also send a copy of this order to the Superintendent, Nashik Road Central Prison, Nashik.

MANISH PITALE, J.)

(S. S. SHINDE, J.)