

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

CRIMINAL WRIT PETITION NO. 188 OF 2021

(Mohd. Yusuf Harun Rashid Tikki .vs. State, through its Secretary, Department of Home,
Mantralaya, Mumbai and Others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms Sneha S. Dhote, Advocate (appointed) for the
petitioner.
Mrs.N.R.Tripathi, A.P.P. for respondent nos. 1 to 3.

**CORAM : SUNIL B. SHUKRE &
AVINASH G. GHAROTE, JJ.**

DATE : 2.3.2021.

Heard.

2. We find that the remedy of appeal as provided under Rule 2(3) of the Prisons (Bombay Furlough and Parole) Rules, 1959 has not been availed of. It cannot be said that it is not an efficacious remedy, particularly in the context of the grounds taken in this petition. We would, therefore, not entertain this petition and grant liberty to the petitioner to make an appeal, as provided under Rule 2(3), to the Appellate Authority within two weeks from the date of order and if such appeal is filed, the Appellate Authority shall decide the same on merits, without going into the issue of limitation, in accordance with law, within a period of three weeks from the date of appeal. The petition is disposed of accordingly.

Legal remuneration of **Rs.1,500/-** be paid to the learned Counsel (appointed) for the petitioner.

JUDGE

JUDGE

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