

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 5590 OF 2021**

Bharatsingh Babusingh Rathod

...Petitioner

Versus

The State Of Maharashtra

...Respondent

Mrs. Swatantri Waghmare appointed for Petitioner.

Mrs. M. H. Mhatre, APP for Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 13th FEBRUARY, 2023.**

Digitally signed
by DNYANESHWAR
ASHOK ETHAPE
Date: 2023.02.17
17:49:43 +0530

P.C.:-

1. As the Petitioner is convicted under Section 376(2) and 363 of Indian Penal Code, he is not entitled to be released on furlough leave as per Section 4(12) of the Prisons (Furlough and Parole) Rules, 1959.

The Competent Authority by its Order dated 21st January 2019 has rejected application of Petitioner for furlough leave on that ground. The said Order has been upheld by the Appellate Authority by its impugned Order dated 22nd March 2019.

2. In view of the fact that, the Petitioner is convicted under Section 376(2) of IPC and is not entitled for furlough leave under Section 4(12) of the Prisons (Furlough and Parole) Rules, we see no reason to interfere with the reasoned Orders passed by both the Authorities below.

3. Petition is accordingly dismissed.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)