

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 6229 OF 2021**

Yogesh Natha Walunj

...Petitioner

V/s.

The State Of Maharashtra

...Respondent

Mr. Ashok S. Pandire, Appointed Advocate for Petitioner.

Mrs. M.H.Mhatre, A.P.P. for the Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 12th JANUARY, 2023.****PC.:-**

1. Heard learned Advocate appointed to represent Petitioner. Perused record and affidavit dated 22.12.2022 filed by Mr. Shivshankar B. Patil, Incharge Superintendent of Yerwada Central Prison, Pune.

2. The Application for furlough leave filed by Petitioner was rejected by the Competent Authority on the ground that, the Petitioner being a convict undergoing sentence under Section 376(d) of the Indian Penal Code (*for short "IPC"*) and therefore he is not entitled for furlough leave under Rule 4(12) and 4(21) of the Maharashtra Prisons (Mumbai Furlough and Parole) Amendment Rules, 2018. The said Order is upheld by the Appellate Authority.

3. It is a matter of fact that, Petitioner has been convicted by the trial Court under Section 376(d) of IPC and sentenced to suffer 20 years

imprisonment and therefore he is not entitled to be released on furlough leave under Rules 4(12) and 4(21) of the Maharashtra Prisons (Mumbai Furlough and Parole) Amendment Rules, 2018.

4. Perusal of Orders passed by the Competent Authority and Appellate Authority dated 27.11.2019 and 31.12.2019 clearly indicates that, both the authorities have not committed any error while passing the said Orders.

5. Petition is accordingly dismissed.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)