

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.5242 OF 2018****WITH****CRIMINAL APPLICATION (APPW) NO.207 OF 2019**

Sudam Ramnath Shelke

... Petitioner

V/s.

The State Of Maharashtra

... Respondent

Mr. Irfan A Shaikh Appointed Advocate for Petitioner.

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

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 30th JANUARY, 2023.****PC. :**

1. Application of Petitioner for furlough leave dated 10th January, 2018 has been rejected by Competent Authority by its Order dated 12th June, 2018. The Appellate Authority has rejected Appeal of Petitioner by its impugned Order dated 17th September, 2018. It is a fact on record that, Petitioner has been convicted under Section 376(2)(f) of the Indian Penal Code and has been sentenced to undergo life imprisonment by the Trial Court. Criminal Appeal No. 803 of 2016 has been dismissed by the Co-Ordinate Bench by its Judgment and Order dated 19th October, 2020. The victim in the present crime was aged about 4 years and was residing opposite the house of Appellant.

2. In view thereof and after taking into consideration the said Affidavit, both the Authorities also have passed impugned Orders rejecting

the Application of Applicant for furlough leave under Rule 4(13) of the Prisons (Bombay Furlough and Parole) Rules, 1959.

3. After perusing entire record we are of the view that, both Authorities below have not committed any error in passing the said Orders.

Petition is accordingly dismissed.

4. In view of disposal of Petition, Criminal Application (Appw) No.207 of 2019 does not survive and is also disposed off.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)