

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL WRIT PETITION NO.1008 OF 2015**

Jafar Abdul Haq Shaikh,
Age-54 years, Occu:Business,
Resident of Chirag Compound,
Awapada, Nariyal Bag, Palnagar,
Pathanwadi, (Shahin Art),
Malad (E), Mumbai,
(At present Central Prison,
Aurangabad.

...PETITIONER**VERSUS**

- 1) The State of Maharashtra,
- 2) Superintendent,
Aurangabad Central Prison,
Aurangabad.

...RESPONDENTS**...**

Mr.R.A. Jaiswal Advocate h/f. Mr. Nilesh
S. Ghanekar Advocate for Petitioner.
Mr.A.V. Deshmukh, A.P.P. for Respondents.

...

**CORAM: S.S. SHINDE AND
A.I.S. CHEEMA, JJ.**

DATE : 7TH AUGUST, 2015

ORDER :

1. Not on Board. Taken on Board.

2. Affidavit in reply is filed by one Vinod Vishnupanth Shedkar, working as Superintendent, Aurangabad Central Prison, Aurangabad. In Para 6 of the said affidavit, it is stated that, taking into consideration the fact that mother of the Petitioner died, two days parole was granted on humanitarian ground. It is further stated that present Petitioner has also filed one another application dated 4th August 2015 for regular parole before the Divisional Commissioner, Aurangabad and the said application is still pending.

3. The counsel for the Petitioner has invited our attention to Rule 18 (2) of the Prisons (Bombay Furlough and Parole) Rules, 1959, which reads as under:

"18(2) Notwithstanding anything contained in sub-rule (1), the Superintendent of

Prison shall also be the Competent Authority to release a convicted prisoner on parole for a period not exceeding fifteen days, in case of death of his close relation i.e. father, mother, brother, sister, spouse or child of the prisoner."

4. In the peculiar facts of this case, since the Petitioner's mother died on 31st July 2015 and according to the counsel for Petitioner, the Petitioner was to perform some religious rites, we direct the Divisional Commissioner, Aurangabad to take final decision on the application filed by the Petitioner for parole, as expeditiously as possible, however in any case on or before 13th August 2015, keeping in view the provisions of Rule 18 (2) of the Prisons (Bombay Furlough and Parole) Rules, 1959, and the procedure prescribed.

5. It is made clear that we have not expressed any opinion on the merits of the contentions of the Petitioner and it is left open

to the Divisional Commissioner to take appropriate decision in accordance with law.

6. The Writ Petition stands disposed of.

. The learned A.P.P. appearing for State undertakes to communicate this order by the fastest mode of communication to the Office of the Divisional Commissioner, Aurangabad.

. The Parties to act upon authenticated copy of this order.

[A.I.S.CHEEMA, J.]

asb/AUG15

[S.S. SHINDE, J.]