

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5379 OF 2016

IN

CRIMINAL APPEAL NO. 492 OF 2016

Nanasaheb S/o Chatrabhuji Shinde
Age : 51 years, Occ : Agriculture,
R/o Sugaon, Tq. Ambajogai,
Dist. Beed.

..APPLICANT

-VERSUS-

The State of Maharashtra

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Mr. P.P. More, Advocate for Applicant.
Mr. S.W. Munde, APP for Respondent/State.

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CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.

Dated: September 28, 2016

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PER COURT :-

Heard the learned counsel appearing for the applicant and the learned A.P.P. appearing for the Respondent/State.

2. The learned counsel appearing for the appellant/applicant invites our attention to the provisions of Rule 19 of the Maharashtra Prisons (Mumbai Furlough and Parole)

(Amendment) Rules, 2016, and in particular clause (1) thereof, and submits that keeping in view the facts of the present case that the mother of the applicant died and the applicant wishes to perform last rituals on 30th September, 2016 and 1st October, 2016, therefore, he submits that since there is urgency, instead of filing application to the authorities, in pending appeal the present application is filed for parole.

3. The learned A.P.P. submits that if the application is filed by the applicant directly to the Superintendent of Prison, he is empowered to consider the said application on merits and take appropriate decision thereon. He submits that in case the application of the applicant is favourably considered, there are certain procedural formalities which are required to be completed.

4. Upon hearing the learned counsel appearing for the applicant and the learned A.P.P. appearing for the Respondent/State, we are of the opinion that the applicant shall file application to the Superintendent of Prison during the course of a day. If such

application is filed, keeping in view the urgency and the applicant has to attend last rituals of her mother on 30th September, 2016 and 1st October, 2016, the concerned authority to take decision on the said application, as expeditiously as possible, and preferably by 29th September, 2016. The concerned authority is free to treat this application as an application filed by the applicant for releasing him on parole.

5. The parties shall act upon authenticated copy of this order.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)

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