

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 377 OF 2018

Rohini Rajendra Mudliyar
Aged 20 years, Occ. Housewife,
residing at Room No. 1/95,
V.A.R. Labour Colony, Mandala
Village, Near Mahila Devi Mandir,
Mankurd East, Mumbai 400 088

...Petitioner

Vs.

1.The State of Maharashtra
through Govt. Pleader High Court,
Mumbai.

2. The Superintendent,
Nasik Central Jail, Nasik,
Maharashtra State.

3. The Divisional Commissioner,
Nasik Division, Maharashtra State.

...Respondents

.....
Ms. Heena M.A. i/by Mr. Shaikh Shafi Ahmed, Advocate the
petitioner.

Mr. Arfan Sait, A.P.P. - State.

.....

**CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 30th JANUARY, 2018.

ORAL JUDGMENT (PER SMT. V.K. TAHILRAMANI, A.C.J.) :-

Heard learned Counsel for the petitioner and learned APP for the State.

2. This petition has been preferred by the daughter of the convict. The convict is in Nashik Road Central Prison, Nashik. In this petition, it is stated that the petitioner is getting married on 29th January, 2018 i.e. yesterday and hence, her father may be released on parole to attend the marriage. The marriage was to take place in a temple at Titwala in Kalyan. It may be stated that this matter was mentioned at 3.00 p.m. yesterday and this petition was got circulated for today.

3. Learned APP has handed over the report of the Senior Police Inspector of Trombay Police Station, Mumbai, where FIR in which the father of the petitioner is concerned was registered. The said report shows that the marriage has already taken place. In this view of the matter, this petition would be infructuous.

4. Learned Counsel for the petitioner submitted that the reception is to be held tomorrow, hence, the father be released on parole to attend the reception. However, it is noticed that there is no averment in the petition in relation to the fact that reception is to be held tomorrow nor there is any invitation card to support the same. In this view of the matter, it is difficult to accede to the prayer of the petitioner. Moreover, the learned APP stated that the father of the petitioner is convicted in a case of human trafficking i.e. 370-A of the Indian Penal Code. Notification dated 26/8/2016 which relates to release of prisoner on parole or furlough states that a prisoner who is involved in human trafficking would not be eligible for release on parole or furlough. In this view of the matter, no case is made out for interference. The Writ Petition is rejected.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)