

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 5175 OF 2018

Paul Joseph Shirole ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

Mr. Chetan S. Damre for the Petitioner.
Mrs. P.P. Shinde, A.P.P. for Respondent-State.

**CORAM : R.M. SAVANT AND
V.K. JADHAV, JJ.**

DATE : 21st NOVEMBER, 2018.

P.C. :

1 The Application of the Petitioner for emergency parole has been rejected by the order dated 19.11.2018 passed by the DIG Prisons, Central Area, Aurangabad. Rejection is inter-alia on the ground of the applicability of Rule 4(4) of the Notification dated 16.04.2018 issued by the State Government for regulating the grant of parole. The said Rule 4(4) postulate that the grant of parole if would result in breach of public peace and tranquility, may not be granted.

2 As indicated above, the Petitioner has been convicted for the offence punishable under Section 376 of Indian Penal Code. The Petitioner

is seeking emergency parole on the ground that the Petitioner's son is getting married today in Nashik. Since we are considering the Application at this point of time of the day i.e. 4.20 p.m., no useful purpose would be served even if we were inclined in favour of the Petitioner as in the matter of completion of formalities the day would be over. Learned A.P.P. also informs us that even in the event of the Application being granted, it is not possible for the authorities to make arrangements so as to escort the Petitioner to the place of the wedding.

3 For all the aforesaid reasons, we are afraid that the order passed by the competent authority does not require any interference from us in our writ jurisdiction. The Writ Petition accordingly dismissed.

4 The order dated 19.11.2018 received by E-mail by the office of the Government Pleader, High Court, Appellate Side, Bombay, is taken on record and marked as 'X' for identification.

(V.K. JADHAV, J.)

(R.M. SAVANT, J.)