

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.88 OF 2019

(Prakash Dadarao Vaidya vs. Deputy Inspector General (Prisons) and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri D.R. Upadhyay, Advocate (appointed) for petitioner.
Shri M.K. Pathan, Additional Public Prosecutor for
respondents.

CORAM : P.N. DESHMUKH AND
 PUSHPA V. GANEDIWALA, JJ.

DATED : JUNE 20, 2019

Heard learned Counsel for the parties.

The affidavit-in-reply filed by respondents is
taken on record.

The petitioner has filed this petition against
the order dated 11/9/2018 passed by respondent no.3
by which application of petitioner for parole was
rejected.

Without going into merits of the petition,
perusal of Rule 19(C) of the Maharashtra Prisons
(Mumbai Furlough and Parole) Rules, 1959
contemplates that prisoner shall not be eligible to be
released on parole until completion of six months of
actual imprisonment from the date of his last return from
parole or furlough leave. Admittedly, petitioner was
lastly released on furlough on 18/2/2019 and he
returned on 19/3/2019.

In view of above, petitioner is not found to be eligible for his release on parole because period of six months of actual imprisonment is yet to be completed. Hence, petition is dismissed with liberty in favour of petitioner to file a fresh application on completion of period of six months of actual imprisonment.

The fee payable to learned Counsel appointed for petitioner is quantified as rupees fifteen hundred.

JUDGE

JUDGE

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