

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.976 OF 2020

Haridas S/o. Kundalik Pokale,
Convict No. 8535,
Age Major, Occu. Convict,
R/o. At Present confined at Central Prison
Aurangabad. .. Petitioner

Versus

The State of Maharashtra,
Through Superintendent
Central Prison Aurangabad. .. Respondent

...
Advocate for Petitioner : Mr. Rupesh A. Jaiswal
APP for Respondent - State : Mr. M. M. Nerlikar
...

**CORAM : T. V. NALAWADE AND
M. G. SEWLIKAR, JJ.**

DATE : 14th SEPTEMBER, 2020

JUDGMENT (PER : T. V. NALAWADE, J.) :-

Rule. Rule made returnable forthwith. By consent heard learned counsel for both the sides for final disposal.

2. The present proceeding is filed to challenge the order made by respondent-State dated 07-08-2020. By this Order, emergency parole is refused to the petitioner. The reason given for refusal is that the petitioner was not released on two occasions though he was released on one occasion in past on parole. Under notification dated 08-05-2020, a condition is given that the prisoner ought to have been released on two occasions in past and he ought to have returned to jail in time. This Court has interpreted such condition and observed that the said condition

has intention to see that the prisoner will return to Jail in time, if he is granted emergency parole. In the present matter, petitioner has completed more than four years and ten months imprisonment. Therefore, he is eligible for consideration of emergency parole. In view of this circumstance, this Court holds that order made by respondent State against the petitioner-prisoner cannot be sustained in law.

3. In the result, Criminal Writ Petition is allowed. The impugned order is hereby quashed and set aside. The direction is hereby given to the authority concerned to release the petitioner-prisoner on emergency parole under Government Notification dated 08-05-2020, subject to usual terms and conditions, within seven days from the date of receipt of this order. Rule is made absolute in above terms. Parties to act upon authenticated copy of this order.

Sd/-
[M. G. SEWLIKAR]
JUDGE

Sd/-
[T. V. NALAWADE]
JUDGE

MTK