

CRIMINAL WRIT PETITION NO. 978 OF 2020

Versus

Advocate for Petitioner : Mr. Rupesh A. Jaiswal
APP for Respondent-State : Mr. S. J. Salgare

DATE : 14th SEPTEMBER, 2020

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

Rule. Rule is 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 17-05-2020, against the convict-prisoner. By this order, emergency parole is refused to the convict-prisoner. The brother of convict-prisoner has filed present proceeding. It appears that, there is conviction under Section 304, Part-II of the Indian Penal Code. On the relevant date, the prisoner had completed three years actual imprisonment. The reason given for refusal is that the convict had not availed either parole or furlough in the past.

3. There is condition in notification dated 08-05-2020 that the prisoner ought to have availed either parole or furlough on two occasions and ought to have returned in time to jail after availing such period. Considering the circumstance that recently the convict-prisoner has completed three years imprisonment to make him eligible to get emergency parole and the purpose behind putting such condition that he will return to Jail after availing emergency parole, this Court holds that order made against the convict-prisoner cannot be sustained in law.

4. In the result, the 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 convict-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.

5. Parties to act upon authenticated copy of this order.

Sd/-

[M. G. SEWLIKAR]
JUDGE

Sd/-

[T. V. NALAWADE]
JUDGE

MTK