

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**939 CRIMINAL WRIT PETITION NO.1004 OF 2020**

Javed S/o. Rajjak Shaikh  
Convict No.5273  
Age: Major, Occu.: Convict,  
R/o. Convict of Open Prison Paithan,  
Dist.Aurangabad. ..Petitioner

VERSUS

The State of Maharashtra,  
Through Superintendent,  
Open Prison Paithan,  
Dist.Aurangabad. ..Respondent

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

**AND**

**942 CRIMINAL WRIT PETITION NO.1010 OF 2020**

Suleman S/o. Mohiddin Shaikh  
Convict No.5084,  
Age: Major, Occu.: Convict,  
R/o. Convict of Open Prison Paithan  
Dist.Aurangabad. ..Petitioner

VERSUS

The State of Maharashtra,  
Through Superintendent,  
Open Prison Paithan,  
Dist.Aurangabad. ..Respondent

...  
Advocate for Petitioner : Mr.Rupesh A. Jaiswal  
APP for Respondent : Mr.B.V.Virdhe  
...

**AND**  
**943 CRIMINAL WRIT PETITION NO.1011 OF 2020**

Nurul s/o. Shamsul Haque Shah C-5201  
Age: Major, Occu.: Nil,  
R/o. Paithan Open District  
Prison, Dist.Aurangabad.  
At present on leave (Mahatma Kabir Nagar  
Chakla Sahar Road, Ville Parle,  
Andheri, Mumbai) ..Petitioner

**VERSUS**

- 1) The State of Maharashtra,  
Through its Home Department,  
Mantralaya, Mumbai.
- 2) The Superintendent  
of the Open Prison Paithan,  
Dist.Aurangabad. ..Respondents

...  
Advocate for Petitioner : Ms.Sharada P.Chate  
APP for Respondents-State : Mr.Y.G.Gujarathi  
...

**AND**  
**944 CRIMINAL WRIT PETITION NO.1013 OF 2020**

Dilip s/o. Digambar Chavan C-5261  
Age: Major, Occu.: Nil, R/o. Paithan  
Open District Prison Dist.Aurangabad.  
At Present C-5176 at Post.Otur,  
Tq.Junner, Pune. ..Petitioner

**VERSUS**

- 1) The State of Maharashtra,  
Through its Home Department,  
Mantralaya, Mumbai.
- 2) The Superintendent  
of the Open Prison Paithan,  
Dist.Aurangabad. ..Respondents

...  
Advocate for Petitioner : Ms.Sharada P.Chate  
APP for Respondents-State : Mr.S.P.Tiwari  
...

**AND**  
**945 CRIMINAL WRIT PETITION NO.1014 OF 2020**

Nurul s/o. Shamsul Haque Shah C-5201  
Age: Major, Occu.: Nil,  
R/o. Paithan Open District  
Prison, Dist.Aurangabad.  
At present on leave (Mahatma Kabir Nagar  
Chakla Sahar Road, Ville Parle,  
Andheri, Mumbai) ..Petitioner

**VERSUS**

- 1) The State of Maharashtra,  
Through its Home Department,  
Mantralaya, Mumbai.
- 2) The Superintendent  
of the Open Prison Paithan,  
Dist.Aurangabad. ..Respondents

...  
Advocate for Petitioner : Ms.Sharada P.Chate  
APP for Respondents-State : Mr.Y.G.Gujarathi  
...

**AND**  
**946 CRIMINAL WRIT PETITION NO.1015 OF 2020**

Vilash s/o. Manik More C-5063  
Age: Major, Occu.: Nil, R/o. At present  
Paithan Open Prison, Dist.Aurangabad. ..Petitioner

**VERSUS**

- 1) The State of Maharashtra,  
Through its Home Department,  
Mantralaya, Mumbai.

- 2) The Superintendent  
of the Open Prison Paithan,  
Dist.Aurangabad. ..Respondents

...  
Advocate for Petitioner : Ms.Sharada P.Chate  
APP for Respondents-State : Mr.P.N.Kutti  
...

**AND**  
**947 CRIMINAL WRIT PETITION NO.1018 OF 2020**

. Baban s/o. Popat Dangat C-5176  
Age: Major, Occu.: Nil, R/o. Paithan  
Open District Prison, Dist.Aurangabad.  
At present C-5176, At Post Otur,  
Tq.Junner, Pune. ..Petitioner

VERSUS

- 1) The State of Maharashtra,  
Through its Home Department,  
Mantralaya, Mumbai.
- 2) The Superintendent  
of the Open Prison Paithan,  
Dist.Aurangabad. ..Respondents

...  
Advocate for Petitioner : Ms.Sharada P.Chate  
APP for Respondents-State : Mr.R.B.Bagul  
...

**AND**  
**948 CRIMINAL WRIT PETITION NO.1019 OF 2020**

. Saeed Ahmad Ismail Shaikh C-5203  
Age: Major, Occu.: Nil,  
R/o. Paithan Open District  
Prison, Dist.Aurangabad.  
At present on leave (Lubini Bag  
Indira Nagar Zopdpatti Chall  
No.02, Mumbai. ..Petitioner

VERSUS

- 1) The State of Maharashtra,  
Through its Home Department,  
Mantralaya, Mumbai.
- 2) The Superintendent  
of the Open Prison Paithan,  
Dist.Aurangabad. ..Respondents

...  
Advocate for Petitioner : Ms.Sharada P.Chate  
APP for Respondents-State : Mr.B.V.Virdhe  
...

**AND**  
**961 CRIMINAL APPLICATION NO.1543 OF 2020**  
**IN WP/652/2020**

Muzzammil Hussain S/o. Shabbir Ahmed  
Convict No.5229,  
Age: Major, Occu.: Convict,  
R/o. Convict of Open Prison Paithan ..Applicant

VERSUS

The State of Maharashtra,  
Through Superintendent,  
Open Prison Paithan. ..Respondent

...  
Advocate for Applicant : Mr.Rupesh A.Jaiswal  
APP for Respondent : Mr.Y.G.Gujarathi  
...

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

**DATE: 15<sup>th</sup> September, 2020**

**ORAL JUDGMENT:- (Per: T.V.Nalawade J.)**

1. Rule. Rule made returnable forthwith. By consent of both  
the sides, heard the matter for final disposal.

2. All these matters are filed for the relief of directions to the respondents to extend emergency parole, which is granted to the petitioners under the State Government Notification dated 08.05.2020. The period in most of the cases of emergency parole will come to an end tomorrow. It is the contention of the petitioners that the respondents are asking to file applications for extension of parole.

3. This Court had occasion to consider the aforesaid Notification dated 08.05.2020 for deciding the point involved in the present matter. In Criminal Application No.1524 of 2020 in Writ Petition No.685 of 2020 (*Faruk S/o. Mustak Khan Vs. The State of Maharashtra*) and other matters, this Court vide its Judgment dated 14.09.2020 has laid down that in view of the wording of the Notification dated 08.05.2020, there is automatic extension of emergency parole granted under the said Notification. This Court has laid down that till the Notification remains in existence as it is, the emergency parole will continue and stand extended automatically and there will be no need to file an application for extension of emergency parole. It is also laid down that such interpretation is available in cases of the prisoners, who are released on emergency parole by the Jail Authority and also in the cases of the prisoners, who are released

on emergency parole under this Notification in view of the order of this Court.

4. In view of said interpretation, this Court holds that the direction as sought by the petitioners needs to be issued to the respondents. Therefore, the following order is passed:-

**ORDER**

I) All the Criminal Writ Petitions and Criminal Applications are allowed.

II) The emergency parole already granted in favour of the petitioners/applicants stand extended under the Notification dated 08.05.2020 and it is not necessary for the petitioners/applicants to file application for extension of emergency parole.

III) Rule is made absolute in the aforesaid terms.

**( M.G.SEWLIKAR )**  
**JUDGE**

**( T.V.NALAWADE )**  
**JUDGE**

SPT