

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

950. CRIMINAL WRIT PETITION NO. 1137 OF 2020

Arjun S/o Sandipan Karande,
Convict No. 8999, age major occup. Convict
R/o at present confined at Central Prison, Aurangabad
...Petitioner

VERSUS

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

Mr. Rupesh A. Jaiswal, Advocate for petitioner
Mr. M.M. Nerlikar, Addl. Public Prosecutor for Respt./State

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

DATE : 8th October, 2020

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

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

2. Present proceeding is filed to challenge the order dated 25th August 2020 made by the respondent by which emergency parole is rejected to the petitioner. The reason given for rejecting the emergency parole is that in the past, the petitioner was released only on one occasion on death parole and on that occasion he

returned to jail in time. In the Government Notification dated 8th May 2020 there is condition that the prisoner ought to have availed either furlough or parole on two occasions and on both the occasions he ought to have returned in jail in time. This Court has given interpretation of that condition and it is held that if the prisoner was eligible on the relevant date to get emergency parole under the Notification dated 8th May 2020 and he has not availed furlough or parole on two occasions, that circumstance cannot come in his way to get emergency parole under the Notification. The condition is there only to ensure that prisoner will return to jail in time after the period of emergency parole is over. In view of the above, this Court holds that the order made by the respondent cannot sustain in law. In the result, the petition is allowed. The order of the respondent of rejection of parole is hereby quashed and set aside. The application filed for parole is hereby allowed. He is to be released on parole on usual terms and conditions, within seven days.

3. Rule made absolute in those terms.

Sd/-
(M.G. SEWLIKAR)
JUDGE

Madkar

Sd/-
(T.V. NALAWADE)
JUDGE