

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

CRIMINAL WRIT PETITION NO.1138 OF 2020

RATAN @ JOTYA S/O. NIVRUTTI BHOSALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mrs. Bharati B. Gunjal.
APP for Respondent/State: Mr. A. V. Deshmukh.
...

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

DATE : 20th October, 2020.

ORDER: (Per T. V. Nalawade, J.)

. The petition is filed to challenge the order made by the Respondent dated 6th August, 2020, by which emergency parole, which is permissible under the Government notification dated 8th May, 2020, is refused to the Petitioner.

2 Both the sides are heard.

3 The submissions made and record show that the Petitioner is convicted for the offence punishable under Section 364-A of the Indian Penal Code and he is sentenced to imprisonment for life and fine. The Furlough and Parole Rules and particularly Rule 4(13) shows that when a person is convicted for such offence, he cannot be

given benefit of furlough. The Rules made for furlough are applicable to ordinary parole also. Though in the Government notification dated 8th May, 2020 this ground is not specifically mentioned, in view of the other conditions mentioned in the notification and the wording of the notification, the exception carved out by the general rules need to be considered while granting emergency parole, which is as good as ordinary parole. In view of these circumstances, this Court holds that the Respondent has not committed any error in rejecting the application filed for emergency parole. This is one more ground that the Petitioner had turned up late by 965 days when he was released on furlough in the past. He had returned late in November 2011. This circumstance also cannot be ignored as there is a condition that on previous two occasions when he was released on parole or furlough he must have returned to jail in time. Thus, he is not satisfying that condition also and on that ground also emergency parole cannot be granted to him. In the result, the petition stands dismissed.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]

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