

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

109 CRIMINAL WRIT PETITION NO.1244 OF 2020

MILIND S/O. GOVIND PANDIT (C-8758)

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Petitioners : Mr. Jaiswal Rupesh A.

APP for Respondents/State : Mr. A.V. Deshmukh

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

DATE : 21.10.2020

ORDER :-

The present proceeding is filed for relief of quashing and setting aside the order made by the respondents by which emergency parole is refused to the petitioner. Both the sides are heard.

2. Learned counsel for the petitioner submitted that in the Government notification dated 08.05.2020, it is not specifically mentioned that the prisoner who is convicted for the offence of rape is not eligible to get benefit of this notification. This Court has interpreted the object behind the notification and by holding that the rules made for granting furlough leave can be made applicable in such cases. This Court has already rejected many applications on the ground that even regular furlough cannot be granted to

such prisoners. The words like 'etc' are used under the special enactments mentioned like MCOC, PMLA, MPID, NDPS. Rule 4 (12) of the Prisons (Bombay Furlough and Parole) Rules show that when a prisoner is convicted and sentenced for offence of rape he is not entitled to get the benefit of furlough. There is other rule showing that furlough rules are applicable for consideration of ordinary parole i.e. Rule 19(2). This Court has also made it clear that in view of the other condition mentioned in the Government notification dated 08.05.2020 the emergency parole needs to be treated like regular parole and for that there is the aforesaid condition.

3. In view of these circumstances, this Court holds that respondents had not committed any error in rejecting the application filed for emergency parole on the ground that the prisoner was convicted for the offence punishable under Section 376 of the I.P.C. So the petition stands dismissed.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]