

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

78 CRIMINAL WRIT PETITION NO.1199 OF 2020

RAOSAHEB KISHANRAO KAKADE (C-108)
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Petitioner : Mr. Nirmal Ravindra
APP for Respondents/State : Mr. M.M. Nerlikar

...

AND

90 CRIMINAL WRIT PETITION NO.1222 OF 2020

MADHAV S/O. HARIBHAU MUNJAL (C-8460)
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Petitioner : Mrs. Chate Sharada P.
APP for Respondents/State : Mr. P.K. Lakhotiya

...

**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**
DATE : 21.10.2020

ORDER :-

In both the matters the orders passed by the respondents are challenged. The Jail Superintendent has rejected the applications which were filed for emergency parole. In the first proceeding bearing no. Cri. WP No. 1199 of 2020 the reason is given that the prisoner had turned up late by 31

days on the last occasion when he was released on furlough. In the second proceeding bearing Cri. WP No. 1222 of 2020 the reason is given that the prisoner turned up late by 02 days.

2. The prisoners want to take benefit of the State Government notification dated 08.05.2020. There is a condition in this notification that the prisoner ought to have availed either furlough or parole leave at least on two occasions and on last two occasions they ought to have returned to jail in time. This condition is there to ensure that the prisoner will return to jail on his own in time when emergency parole period is over. It is the condition put by the Government by using sovereign powers and this Court cannot consider propriety of this condition. On this ground this Court has already rejected many applications. This Court holds that it is not possible to interfere in the orders made by the respondents by which the applications filed for emergency parole are rejected. So both the petitions are dismissed.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]