

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

16 CRIMINAL WRIT PETITION NO.1352 OF 2020

SHAFI MOHAMMAD ADBUL HAMID MAKRANI
THROUGH HIS SON
HUSSAIN SHAFI MOHHAMAD MAKRANI .. Petitioner

VERSUS

THE STATE OF MAHARASHTRA .. Respondent

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Advocate for Petitioner : Mr Shrikrishna U. Choudhari
APP for Respondent / State : Mr S.G. Sangle

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**CORAM : RAVINDRA V. GHUGE
AND
B. U. DEBADWAR, JJ.**

Date : 27-10-2020

PER COURT :-

1. We have heard the learned advocate for the petitioner and the learned APP

2. The convict represented by his son in this petition, has addressed the Hon'ble the Chief Justice of the Bombay High Court for seeking emergency parole. The said application is routed through Shri Wagh, Jail Superintendent of the Nashik Central Jail. We strongly disapprove filing of such applications before the Hon'ble the Chief Justice of the Bombay High Court when the law mandates that such an application will have to be filed before the Jail Superintendent of the Prison in which the applicant is lodged.

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3. In view of the above, this petition is disposed off with liberty to the petitioner to prefer an application as per rules to the Jail Superintendent of the Nashik Central Prison under Rule 19 (1) (C) of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959. In the event such an application is tendered on or before 03-11-2020, the concerned Jail Superintendent shall decide the said application on its merits on or before 10-11-2020. Needless to state, the application shall not be rejected for the sole reason that the applicant had not availed of furlough / parole leave on two occasions prior to the filing of the application under Rule 19(1)(C).

4. We direct the learned Registrar (Judicial) of this Court to forward a copy of this order to the Additional Director General of Police (Prisons), Shri Sunil B. Ramanand, I.P.S. at Pune for necessary action.

(B. U. DEBADWAR)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE