

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1379 OF 2020

RANGNATH GANPATRAO KHARWADE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Petitioner : Mr. Mahesh P. Kale
APP for Respondent-State : Mr. G. O. Wattamwar
...

**CORAM : T. V. NALAWADE AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 23rd NOVEMBER, 2020

ORDER :-

The present petition is filed to challenge the order made by respondent, by which emergency parole is refused to the petitioner. The ground is given that he had not availed furlough on any occasion. No other ground is given for rejection of emergency parole. Learned APP drew attention of this Court to the contentions made in paragraph No. 1 of the petition. It is contended that the petitioner was convicted by the Judgment and order dated 11-05-2005 passed in Criminal Appeal No. 334 of 1998 and since then he was in jail. It is also contended that he was granted parole, but he was absconded and he came to be arrested in year 2018. After that, he is in jail. In Rule 4 of the provisions of the Prisons (Bombay Furlough and Parole) Rules, 1959, it is mentioned that the person, who is absconded or escaped from the custody, cannot be given benefit of furlough. This condition is applicable for regular parole also. Considering the condition given in Government Notification dated 08-05-2020, this Court holds that though the Parole is called as

emergency parole, condition given for furlough and regular parole are applicable under this notification. In view of this circumstance and as the petitioner himself has admitted that he was absconded in the past, this Court holds that benefit of emergency parole under Government Notification dated 08-05-2020 cannot be given to him. Thus, there is no need to interfere in the order made by respondent. Hence, the Criminal Writ Petition stands dismissed.

Sd./-

[**SHRIKANT D. KULKARNI**]
JUDGE

Sd./-

[**T. V. NALAWADE**]
JUDGE

MTK