

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Cri. Writ Petition No. 384/2020

Mahendra Mahadev Binekar

..VS..

State of Maharashtra and anr.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. S.D. Wankhade, Advocate for the petitioner
Shri A.R. Chutke, APP for the State

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : 20/10/2020

Heard Ms. S.D. Wankhade, the learned
Counsel for the petitioner.

2. The petitioner is seeking his release for 45 days on emergency parole on the basis of amendment carried out to Rule 19(1) of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959 by Notification dated 08.05.2020. By this Notification, additional ground of epidemic has been made available for the prisoners to avail of the benefit of emergency parole, subject to their fulfilling conditions stated in the Notification.

3. From the averments made in the petition, we find that the petitioner has not made any application to the Jail Authority seeking his release on emergency parole. There is no statement whatsoever made to this

effect in the petition. Now, it is orally submitted by the learned Counsel for the petitioner that the petitioner has applied but, his application was rejected by the Jail Authority. On our query, as to why, the petitioner has not filed on record any copy of the order passed by the Jail Authority, answer given is that the petitioner sought the copy of the order, but it was denied to him. Even, no statement to this effect has been made in the petition.

4. It is clear from the silence of the petitioner that the petitioner has not applied to the Authorities seeking his release on emergency parole and the petitioner has directly approached this Court. We would advise learned Counsel for the petitioner to be careful in such a matter in future. With this caution, we **dismiss** the petition.

5. This order be uploaded on the official website and also be communicated to the learned counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

JUDGE