

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

LD-VC/CRIMINAL WRIT PETITION NO.1225/2020

Amol s/o Mahadev Mandade

...Versus...

State of Maharashtra, Through Secretary, Home Department, Mantralaya,
Mumbai and another

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

Court's or Judge's orders

Ms Shweta Wankhede, Advocate for petitioner
Mrs. G.R. Tiwari, Addl. P.P. for respondents

CORAM : Z. A. HAQ AND
AVINASH G. GHAROTE, JJ.

DATE : 18/08/2020

1. Heard Ms Shweta Wankhede, learned Advocate for the petitioner and Mrs. G.R. Tiwari, learned Additional Public Prosecutor for the respondents.
2. The present petition seeks a direction against respondent no.2, to release the petitioner on emergency parole for 45 days in light of the COVID-19 Notification dated 8/5/2020.
3. The petitioner is undergoing imprisonment for life in Central Prison for the offence under Sections 302 and 149

of Indian Penal Code and has completed seven years in imprisonment. The petitioner, on his own admission, on the first of the last two occasions, had overstayed the parole leave by 53 days and was required to be arrested and brought back to the Prison. Though the subsequent application of the petitioner for furlough leave, which was rejected on 12/6/2019 was allowed by this Court by order dated 4/9/2019, in Criminal Writ Petition No.605/2019, the case of the petitioner, clearly does not satisfy the requirements of the concerned Notification.

4. The petitioner has placed reliance upon the order dated 28/7/2020, passed in Criminal Writ Petition-ASDB-LD-VC No.87/2020 (Sobha Sitaram Tayade Vs. State of Maharashtra), in which the Court has, considering the breach of furlough leave amounting to 574 days, had granted the application for emergency parole leave to the petitioner therein. However, in that case, the petitioner's sister, who was undergoing a sentence of life imprisonment had already undergone actual imprisonment of 12 years and six months, which including remission, came to 19 years, in light of which, the said order was passed, for which reason, the order is of no assistance to the learned Advocate for the petitioner. That apart, in the matter of releasing of a convict on emergency parole, under the COVID-19 Notification, the position has to be viewed on a case to case basis. Thus, we

find no merit in the writ petition and the same is accordingly dismissed.

JUDGE

JUDGE

Wadkar

Shailendra
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