

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

LD-VC WP NO. 892/2020

Kiran S/o Umraoji Kaithe (C-5518),
Aged 45 years, Occ. Private work,
R/o. Bhande Plot, Nagpur

.... PETITIONER

// VERSUS //

State of Maharashtra,
Through the Superintendent,
Central Prison, Amravati

.... RESPONDENT

Shri S.D. Sahoo, Advocate for the petitioner
Shri N.R. Patil, APP for the respondent

CORAM : Z.A.HAQ & S.M.MODAK, JJ.

DATED : 24/07/2020

ORAL JUDGMENT : (PER:- S.M. MODAK, J.)

1] Heard.

2] **RULE.** Rule made returnable forthwith.

3] The petitioner has already been released on emergency parole by the Superintendent of Central Prison, Amravati as per the order dated 15/05/2020, for the period of 45 days as per Rule 19 (1) (C) (ii) of the

Maharashtra Prisons (Furlough and Parole) Rules, 1959. The petitioner is convicted for the offence punishable under Section 302 of the Indian Penal Code. By this petition, the petitioner is seeking extension of parole leave for 30 days.

4] We have gone through the concerned provisions. It is a fact that still the notification under the Epidemic Diseases Act is in force. As such, the petitioner is entitled for extension of parole for 30 days subject to giving attendance to the concerned police station as required.

5] Considering the facts of the case, the following order is passed:-

a) The parole leave of the petitioner is extended by 30 days subject to the petitioner's giving attendance to the concerned police station once during that period between 10:00 am to 12:00 pm.

b) The concerned authorities are directed to verify whether the notification under the Epidemic Diseases Act has been withdrawn or not after completion of 30 days of parole leave of the petitioner.

If they find that the notification is still in force, they are directed to examine the prayer for extension thereafter.

c) It is made clear that the extension granted by us will stand automatically withdrawn if the notification under the Epidemic Diseases Act is withdrawn by the State Government and the petitioner shall surrender before the concerned authority.

Rule is made absolute in the above terms.

JUDGE

JUDGE

Ansari