

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

CRIMINAL WRIT PETITION NO.617 OF 2020

Miraj Abdul Muid Khan,
aged about 45 years,
(in Jail) Convict No. C-5498,
Central Prison, Amravati.

... Petitioner

- Versus -

1) Deputy Inspector General of Prison,
East Region, Nagpur.

2) Superintendent of Prison,
Amravati Prison, Amravati.

... Respondents

Shri A.J. Dhoble, Advocate (appointed) for petitioner.

Ms. N.P. Mehta, Additional Public Prosecutor for respondents.

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

DATED : DECEMBER 8, 2020

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

Rule. The rule is made returnable forthwith. Heard finally by consent of learned Counsel for the parties.

2) The application of the petitioner for grant of emergency parole in terms of Government Resolution dated 8/5/2020 was

rejected on the ground that he did not fulfil one of the essential criteria of the said Government Resolution. In order to avail the benefit of the said Government Resolution, it is necessary that the prisoner is a resident within State. The petitioner is a resident of some place in Uttar Pradesh and in his parole application, he had made a request for grant of parole to enable him to go to his native place, which he described as “मुळ गाव”. However, in his application dated 13/7/2020 he also mentioned the place where he would go on leave as situated in Mumbai. But, basically the application was made for going to his native place. Since such application cannot be granted in terms of the Government Resolution dated 8/5/2020, negative order came to be passed by the respondent no.1. We do not think that there is any error committed by the respondent no.1 in passing such a negative order, which is impugned herein. There is no merit in the petition.

3) The petition stands dismissed. Rule is discharged. No order as to costs.

JUDGE

JUDGE

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