

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 619 OF 2021

JAGDISH SHRIRAM PAWAR (C-8397) AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Rupesh A. Jaiswal
APP for Respondents-State : Mr. S. J. Salgare

...

AND

CRIMINAL WRIT PETITION NO. 710 OF 2021

AJIT DILIP VEER (CONVICT NO. 8854)
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Rupesh A. Jaiswal
APP for Respondents-State : Mr. M. M. Nerlikar

...

AND

CRIMINAL WRIT PETITION NO. 712 OF 2021

VIJAY VILASRAO SUTARE (CONVICT NO. 8986)
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Rupesh A. Jaiswal
APP for Respondents-State : Mr. M. M. Nerlikar

...

AND

CRIMINAL WRIT PETITION NO. 715 OF 2021

SOPAN VITTHAL KAJALKAR (CONVICT NO. 9217)
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Rupesh A. Jaiswal
APP for Respondents-State : Mr. S. J. Salgare

...

AND

CRIMINAL WRIT PETITION NO. 716 OF 2021**OMKAR UTTARRESHWAR DHAGE (CONVICT NO. 8807)****VERSUS****THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Petitioner : Mr. Rupesh A. Jaiswal

APP for Respondents-State : Mr. A. S. Shinde

...

AND**CRIMINAL WRIT PETITION NO. 721 OF 2021****GOVIND SHIVAJI RANER (CONVICT NO. 8743)****VERSUS****THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Petitioner : Mr. Rupesh A. Jaiswal

APP for Respondents-State : Mr. A. S. Shinde

...

**CORAM : V. K. JADHAV AND
S. G. DIGE, JJ.****DATE : 14th JULY, 2021****PER COURT :-**

1. Heard both sides.
2. Learned counsel Mr. Jaiswal for the petitioners has pointed out that the Full Bench was constituted under the order of the Chief Justice and the Full Bench has framed following two questions for determination -

“(i) Which of the interpretation of Rule 19(1) sub-rule (C) as brought about by the Maharashtra Prisons (Mumbai Furlough and Parole (Amendment) Rules, 2020, either as made in decision of the Division Bench in Vijendra Malaram Ranwa Versus State of Maharashtra and another or the decision of the Division Bench in Sardar s/o. Shawali Khan Versus The State of Maharashtra and another, is the correct interpretation?”

(ii) *Whether the provisions of ‘emergency parole’ as brought about by the amendment to Rule 19(1) by insertion of sub-rule (c) by the Maharashtra Prisons (Mumbai Furlough and Parole (Amendment) Rules, 2020 would cover prisoners convicted under the provisions of the Protection of Children against Sexual Offences Act, 2012 (for short ‘the POCSO Act’)? ”*

Question No. (ii) is relevant for the present discussion.

3. Learned counsel for the petitioners further submits that in paragraph No. 27 of the Judgment of Full Bench in the case of ***Pintu Uttam Sonale Versus State of Maharashtra***, reported in ***2021 All MR (Cri) 822***, question No. (ii) is answered as “*the provisions of emergency parole as brought about by amendment to Rule 19(1) by incorporation of sub-rule (C) read with its proviso would cover prisoners convicted under the provisions of the Protection of Children against Sexual Offences Act, 2012.*”

4. In view of the same, learned counsel for the petitioners, on instructions, seeks leave to withdraw the present petitions.

5. Leave granted. The Criminal Writ Petitions are dismissed as withdrawn.

(S. G. DIGE)
JUDGE

(V. K. JADHAV)
JUDGE