

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 796 OF 2021

Sahikh Javed Shaikh Gulam Rasul
(C. No.8193)

... Petitioner

Versus

The State of Maharashtra

... Respondent

....

Mr. Sachin J. Salgare, APP for Respondent / State

....

**CORAM : V. K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 27th AUGUST, 2021

PER COURT:-

1. We have received this communication in writing from the convict through Aurangabad Central Prison, Aurangabad. The same is treated as a criminal writ petition.
2. Issue notice to the respondent - State, returnable forthwith. Learned APP waives notice for the respondent -State.
3. Heard finally at admission stage.

4. We are not inclined to entertain this criminal writ petition seeking emergency parole for the reason that the petitioner - convict has surrendered late by 571 days on his earlier release on furlough leave.

5. In our order dated 20.08.2021 passed in the earlier bunch of writ petitions bearing criminal writ petition no. 476 of 2021 with other petitions, by referring the amended Rule 19(1)(C)(ii) of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959 and the directions given by the Hon'ble Supreme Court in Suo Moto Writ Petition (Civil) No. 1 of 2020 and also the Division Bench of this Court at its Principal Seat, headed by the Hon'ble the Chief Justice (Coram : Dipankar Datta, CJ. & Madhav J. Jamdar, J.) in Public Interest Litigation No. 44 of 2020, we considered the provisions of Rule 4 of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959 as applicable even to the newly amended provision of Rule 19(1)(C) of the said Rules, which deals with release on emergency parole.

6. In the instant case, even we do not need to refer to Rule 4, which prescribes the criteria to be followed for furlough and parole. In the amended provision of Rule 19(1)(C) there is a bar to release

the convict on parole if on earlier two occasions while released on furlough or parole, he surrendered late.

7. In view of the above, we proceed to pass the following order.

ORDER

(i) The Criminal Writ Petition is hereby dismissed.

[SHRIKANT D. KULKARNI]
JUDGE

[V. K. JADHAV]
JUDGE

S.P. Rane