

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

CRIMINAL WRIT PETITION NO. 914 OF 2021

Anuradha @ Mauli s/o Shahurao Udhan,
C-9250, Age major, Occu. Nil
At present Aurangabad Central Prison

..Petitioner

Versus

The State of Maharashtra and anr.

..Respondents

Ms Maya Jamdhade, Advocate (appointed) for the petitioner
Mr Rajendra V. Dasalkar, A.P.P. for respondents

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

DATE : 13th October 2021

PER COURT :

1. Heard finally with consent at admission stage.
2. The petitioner is convicted for the offences punishable under Sections 394, 506 read with Sec.34 of the Indian Penal Code in connection with Sessions Case no.537/2019 and sentenced to suffer imprisonment for ten years and to pay fine of Rs.2,500/-, in default to suffer eight months' imprisonment.
3. The petitioner has applied for emergency parole and by impugned order, respondent no.2 has rejected the said application, by referring Government notifications dated 16.4.2018 and 8.5.2020.
4. So far as the notification dated 16.4.2018 is concerned, i.e. in respect of the amendment to the Maharashtra (Mumbai Furlough and Parole) Rules, 1959. As per said amendment, Rule 4 of the Principal Rule stands substituted. In terms of amended Rule 4(2), the prisoners convicted for an offence punishable under Section 392 to 402 (both inclusive) of the Indian Penal Code,

are eligible for furlough after completion of stipulated sentence in the respective Section. The petitioner is convicted under Section 394 of the Indian Penal Code and considering the said Rule 4(2) of the Maharashtra (Mumbai Furlough and Parole) Rules, 1959, he is not eligible to be released on parole before completion of the stipulated sentence.

5. In view of the same, we find no fault in the impugned order. There is no substance in the Writ Petition.

6. In view of the above, Criminal Writ Petition is hereby dismissed.

7. We quantify the fees of learned Counsel Ms Maya R. Jamdhade, appointed for the petitioner at Rs.2,000/-, to be paid by the High Court Legal Services Sub-Committee at Aurangabad.

(SHRIKANT D. KULKARNI, J.)

(V.K. JADHAV, J.)

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