

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

CRIMINAL WRIT PETITION NO. 1025 OF 2021

Kashinath Punjaram Lahane
(C. No. 6214)

... Petitioner

Versus

The State of Maharashtra

... Respondent

....

Ms. Angha Pedgaonkar, Advocate (appointed) for the Petitioner.
Mr. Shashibhushan P. Deshmukh, APP for Respondent No.1 / State

....

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

DATE : 29th SEPTEMBER, 2021

PER COURT:-

1. We do not find any substance in this writ petition.
2. The petitioner-convict has sought emergency parole. However, it was rejected mainly on two grounds i.e. late surrender on previous two occasions. Firstly, when he was released on furlough, he had surrendered belatedly after 11 days and secondly, when he was released on parole, he had surrendered late by almost a period of 10 years after the period of parole was over.

3. Learned counsel for the petitioner vehemently submits that so far as the delay in surrendering after release on furlough is concerned, the petitioner-convict was having some health issues and so far as the delay in surrendering after release on parole is concerned, after the parole period was over, the petitioner-convict was suffering from Harnia and cataract in both eyes. Learned counsel submits that the petitioner, being a senior citizen and since suffering from various health issues, could not surrender within time and as such, the delay was occurred.

4. There is an inordinate delay. In the amended provisions of Section 19 (C) vide the Maharashtra Prisons (Bombay Furlough and parole) (Amendment) Rules, 2020, for grant of emergency parole, the convict prisoner whose maximum punishment is above 7 years, may apply for emergency parole and his application can be considered for release on emergency parole if the convict has returned to prison on time on last 2 releases, whether on parole or furlough. In view of this amendment and since there is no provision to condone the delay

on any ground, this writ petition is liable to be dismissed.
Hence, the following order.

ORDER

- (i) The writ petition is hereby dismissed.
- (ii) We quantify the legal fees of the Counsel appointed for petitioner-convict at Rs.2,000/- (Rs. Two thousand only) to be paid by the High Court Legal Services Sub-Committee, Aurangabad.
- (iii) Criminal writ petition is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

[V. K. JADHAV]
JUDGE

S.P. Rane