

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1697 OF 2020

Anand s/o Gonsalo Fosh C-5322
age major, occ. Nil
r/o at present Harsul Prison
Tq. Dist. Aurangabad.

Petitioner

Versus

1. The State of Maharashtra
Through its Home Department
Mantralaya, Mumbai
2. The Superintendent
of the open prison at Paithan
Dist. Aurangabad.

Respondents

Mrs. S.P. Chate, Advocate for petitioner.
Mr. S.J. Salgare, APP for both respondents.

**CORAM : T.V. Nalawade &
M.G. Sewlikar, JJ.**

DATE : 18th January, 2021.

JUDGMENT : (Per T.V. Nalawade, J.)

1. Rule. Rule made returnable forthwith.
2. By consent, heard both the sides for final disposal at admission stage.

3. Order dated 21.04.2020 made by Nasik Road Open Prison is produced. Learned counsel for the petitioner submitted that at present, the petitioner is kept in open prison Paithan. She submits that the petitioner wants to avail either regular furlough or emergency parole under Government Notification dated 08.05.2020. She submits that when the petitioner attempted to submit application for emergency parole, it was not accepted by the prison authority and when the petitioner is behind bar for more than seven years for offence of murder, the benefit of Government Notification dated 08.05.2020 is not given to him.

4. If that is so, this Court holds that it is a serious matter. This Court has already expressed that it is the duty of the Superintendent of jail to inform all the prisoners that they have right to apply for emergency parole under Government Notification dated 08.05.2020. If that duty is not discharged, this Court may take serious action against the Superintendent of open prison, Paithan.

5. Learned counsel for the petitioner further submits that the application of petitioner for emergency parole be accepted and it the concerned authority be asked to take decision on the application

within seven days. In view of this, direction is given that the application given by the petitioner-prisoner be accepted by informing him that he should make such application and decision on the application be taken within seven days from today. If this is not done by the Superintendent of Jail, further action will be taken by this Court for contempt of Court.

6. In view of aforesaid directions, petition stands disposed of. Rule made absolute.

(M. G. SEWLIKAR)
Judge

(T.V. NALAWADE)
Judge

dyb