

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO. 2944 OF 2021

Babising Bakshisingh @
Lucky @ Mohammed Samir Fidabaksh ... Petitioner

V/s.

The State of Maharashtra ... Respondent

Mr. Veerdhawal Deshmukh, Advocate appointed through Legal Aid
for the Petitioner

Ms. A.S. Pai, P.P. for the Respondent - State

***CORAM : NITIN JAMDAR &
SARANG V. KOTWAL, JJ.***

DATE : 18 NOVEMBER 2021

P.C. :-

The Petitioner prays to be released on Emergency (Covid-19) Parole. The Petitioner is convicted under the provisions of the Protection of Children from Sexual Offences Act, 2012.

2. This relief, which is based on Rule 19(1)(C) of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules 1959 (as amended by Amendment Rules, 2020), cannot be granted in view of

Clause 19(1)(C)(ii) as interpreted by the Full Bench of this Court in the case of *Pintu s/o. Juttam Sonale vs. State of Maharashtra*¹ holding that emergency parole is not available to the persons convicted under the provisions of the POCSO Act.

3. In the light of this statutory bar contained in the Rules, no order can be passed in favour of the Petitioner. The Writ Petition is rejected.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

JYOTI
PRAKASH
PAWAR

Digitally signed
by JYOTI
PRAKASH
PAWAR
Date: 2021.11.25
11:49:19 +0530

¹ Cri.W.P.(St.) No.3206 of 2020 dtd. 6.11.2020(Bombay)