

JPP

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

CRIMINAL WRIT PETITION NO. 2624 OF 2021

Arjun Chhagan Kale

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Ms. Dhanalakshmi Iyer, Advocate appointed through Legal Aid for
the Petitioner

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

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

DATE : 18 NOVEMBER 2021

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner's application for Emergency (Covid-19) Parole is rejected by the impugned order. Two grounds are given in the impugned order that the Petitioner had over stayed for 11 days when he was released in the year 2011 and secondly, the Petitioner is convicted in the serious crime under Section 396 of the Indian Penal Code. As regard the first ground of rejection is concerned, there is no merit in the same as the Petitioner had over stayed only for 11

days and had surrendered by himself. Taking this over stay into consideration as ground for rejection will be harsh view to be taken.

3. As regard the condition as regard the ground that the Petitioner is convicted in a serious crime under Section 396 of the Indian Penal Code is concerned, the learned APP points out that this condition is pursuant to the recommendation of the High Power Committee constituted pursuant to the order passed by the Supreme Court and the recommendations have been directed to be implemented by the State Government by issuing necessary instructions to its officers. In the light of the recommendation of the High Power Committee now accepted by the State Government and implemented in addition to the amended Rules of 1959, the claim of the Petitioner even though the first ground in the impugned order is not legal, cannot be considered and accordingly no relief can be granted to the Petitioner.

4. The Writ Petition is rejected.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

JYOTI
PRAKASH
PAWAR

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