

JPP

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

CRIMINAL WRIT PETITION NO. 2383 OF 2021

Ashish Dnyaneshwar Chunnurwar

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Mr. Abdul Hafeez Yakub Katwala, Advocate appointed through
Legal Aid for the Petitioner

Mr. K.V. Saste, APP for the Respondent - State

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

DATE : 18 NOVEMBER 2021

P.C. :-

The Petitioner's application for grant of Emergency (Covid-19) Parole is rejected by the impugned order. The ground for rejection is that under Rule 19(1)(C) of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959, those who have been convicted under the Special Acts for serious offences are not entitled to emergency parole. When the Petition had come up on board on

25 October 2021, after recording the contention of the learned APP as follows, the Petition was adjourned.

“The learned APP submits that there is a legal bar in respect of the prayers sought for by the Petitioner since the conviction of the Petitioner is under the provisions of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. The learned Counsel for the Petitioner (appointed) seeks time to examine. At his request, stand over to 3 December 2021.”

2. We have perused the impugned order and the proviso to the Rule 19(1)(C)(ii) of the Rules 1959. The Petitioner is convicted under the Protection of Children from Sexual Offences Act, 2012. This category falls under Rule 19(1)(C)(ii) of the Rules of 1959. Thus, there being a statutory bar for consideration of the emergency parole, the view taken by the Respondent cannot be said to be incorrect or illegal.

3. The Writ Petition is rejected.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

**JYOTI
PRAKASH
PAWAR**

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