

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

CRIMINAL WRIT PETITION NO.2480 OF 2021

Subhash Jugraj Jain Petitioner
versus
State of Maharashtra & Anr. Respondents

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- Mr.Tanveer Khan, Advocate for Petitioner.
- Mr.K. V. Saste, PP for State/Respondent.

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

DATE : 9 DECEMBER 2021

P.C. :

. Heard learned counsel for the Petitioner and the learned APP.

2. This is a Petition through jail. The Petitioner is convicted for the offence punishable under Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

3. The Petitioner has challenged the classification and eligibility of the prisoners to be released on emergency Covid-19 parole by the High Power Committee constituted under the order of the Supreme Court.

4. The High Power Committee in its report recommended that those who are convicted under crimes such as MPID Act are not

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entitled to be released on emergency parole. Categorization and classification made by the the High Power Committee, adopted by the State of Maharashtra, was challenged before this Court in a group of Petitions and the challenge was negated. The Supreme Court disposed of the Petitions challenging the order passed by this Court and approved the recommendation of the High Power Committee. Therefore the challenge of the Petitioner already being negated cannot be considered.

5. Further more, the State of Maharashtra has amended and inserted the Rule 19(1)(C)(ii) in Maharashtra Prisons (Mumbai Furlough and Parole) Rules 1959, under which the offences under the MPID Act are specifically excluded from the purview of grant of emergency Covid-19 parole.

6. In light of this position, the relief prayed for by the Petitioner cannot be considered.

7. The Writ Petition is accordingly rejected.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)