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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1172 OF 2021

Santosh Dattu Pawar

....Petitioner

V/s.

The State of Maharashtra

.....Respondent

None for the petitioner

Mr. Deepak Thakre, PP a/w Mrs. S. D. Shinde, APP for the State

**CORAM : S. S. SHINDE &
MANISH PITALE, JJ.**

DATE: APRIL 29, 2021.

P.C.:

1] Mr. Navin Bagul, appointed advocate for the petitioner is not present. With the able assistance of learned APP we have perused the report submitted by Superintendent, Nashik-Road Central Prison, Nashik. It appears that petitioner has already undergone more than 7 years imprisonment. His application for emergency parole (Covid-19) has been rejected on the ground that petitioner was never released on furlough/parole.

2] In our opinion, on the said ground, application of the petitioner should not have been rejected. In that view of the matter, we quash and set aside the impugned order dated 28/09/2020 passed by Superintendent, Nashik-Road Central Prison, Nashik and grant liberty to the petitioner to apply afresh for emergency parole (Covid-19)/Parole/furlough.

3] Accordingly, petition is partly allowed and same stands disposed of.

4] If the petitioner files fresh application for emergency parole (Covid-19)/Parole/furlough, respondent-authority shall decide the same as expeditiously as possible, however, within 3 weeks from filing of such application.

[MANISH PITALE, J.]

[S. S. SHINDE, J.]