

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2119 OF 2021

Hafij Shamshad Alam Abdul Majjid Khan .. Petitioner
v/s.
The State of Maharashtra .. Respondent

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Mr. Sumeet Vankadkar, for the Petitioner.

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

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CORAM: NITIN JAMDAR &
SARANG V. KOTWAL JJ.

DATE : 23 NOVEMBER 2021.

P.C:-

The Petitioner has filed this petition seeking Emergency (Covid 19) Parole.

2. The reference is made by the Petitioner to Rule 19(1)(C) of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959. The impugned order has referred to Rule 19(1)(C)(ii), which provides that emergency parole is not available to those who are convicted for serious crimes under Special Acts.

3. This Rule has been interpreted by the Full Bench of this

Court in the case of *Pintu s/o. Uttam Sonale vs. State of Maharashtra*¹ to include the conviction under the Protection of Children against Sexual Offences Act, 2012 (“POCSO Act”). The Petitioner is convicted under Section 10 of the POSCO Act. This falls within the ambit of the rule referred to by the Respondent.

4. Therefore, there is no error in the impugned order. The writ petition is rejected.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)

¹ 2020(6) Mah. L.J. 627