

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2355 OF 2021

Yusuf Faruk Songadia

.... Petitioner

Versus

The State of Maharashtra
and another

.... Respondents

....

Mr. Subir Sarkar, Advocate for the Petitioner.

Ms. S.D. Shinde, APP for Respondent No.1-State.

....

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

DATE : 23 DECEMBER 2021

P.C.

Heard the learned counsel for the parties. Taken up for disposal.

2. The Petitioner had applied for emergency (Covid-19) Parole which has been rejected by the impugned order dated 28 September 2020 and by a subsequent order dated 8 July 2021. In both the orders it is stated that as per Rule 19(C)(1) and (2) of the Maharashtra Prisons (Bombay Furlough and Parole) Rules, all those convicts who have been convicted for sentence of more than seven years are eligible for emergency parole. It is stated that though the Petitioner has been convicted for life he has completed only one year

three months and one day (till today one year nine months) is not entitled for emergency covid-19 parole.

3. Since it was not shown to us that, unlike regular parole, Rule 19(C) contains any such bar, the learned APP had advanced another argument on 16 December 2021 that release of the Petitioner would be detrimental and had sought time to file additional affidavit. An additional affidavit is tendered, which does not set out any such apprehension. The learned counsel for the Petitioner submitted that the offence in which the Petitioner was sentenced is of committing murder of his wife.

4. Faced with this situation, the learned APP states that the impugned order would be withdrawn and fresh orders as per would be passed considering the case of the Petitioner, within a period of three weeks from today and the decision would be informed to the Petitioner.

5. The petition is accordingly disposed of.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)