

JPP

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

CRIMINAL WRIT PETITION NO. 2973 OF 2021

Mauli @ Dnyaneshwar Shivnath Gunjal ... Petitioner

V/s.

The State of Maharashtra ... Respondent

Mr. M.S. Mulla i/b. Manas Gawankar, 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. :-

This application for Emergency (Covid-19) Parole of the Petitioner was rejected by the Respondent– Authorities on two grounds.

2. Though the first ground that Petitioner was not granted parole or furlough earlier is not tenable in law in the light of the decision of this Court in the case of *Roshal Ali Din Mohmed*

*Mukhiya Shaikh v. State of Maharashtra*¹, the second ground that the Petitioner was convicted under the Maharashtra Control of Organized Crime (MCOC) Act, 1999 is valid as it is a statutory bar under Rule 19(1)(C)(ii) of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959, that persons convicted under the MCOC Act are not entitled for emergency parole.

3. In the light of this statutory bar, the impugned order cannot be considered as illegal nor any direction can be issued in favour of the Petitioner.

4. The Writ Petition is accordingly rejected.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

**JYOTI
PRAKASH
PAWAR**

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¹ Crim.WP No.2115/2021 & Ors decided on 28 October 2021