

JPP

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

CRIMINAL WRIT PETITION NO. 2943 OF 2021

Shivram Motiram Borse

... Petitioner

V/s.

The State of Maharashtra

... Respondents

Mr. Karan Kadam, Advocate appointed through Legal Aid for the
Petitioner

Ms. S.D. Shinde, APP for the Respondent - State

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

DATE : 18 NOVEMBER 2021

P.C. :-

This Petition is filed challenging the rejection of the
Petitioner's application to be released on Emergency (Covid-19)
Parole.

2. The ground for rejection in the impugned order is that
the Petitioner is convicted under Section 4,5, and 6 of the Protection
of Children from Sexual Offences (POCSO) Act, 2012 and
therefore, in the light of Rule 19(1)(C)(ii) of the Maharashtra

Prisons (Mumbai Furlough and Parole) Rules 1959 (as amended) by Amendment Rules, 2020, the Petitioner is not entitled to be released on Emergency(Covid-19) Parole.

3. The learned APP has placed on record order dated 19 September 2020 by which the request of the Petition is again rejected. Clause 19(1)(C)(ii) of the Rules of 1959 has been interpreted by the Full Bench of this Court in the case of *Pintu s/o. Juttam Sonale vs. State of Maharashtra*¹ in Criminal Writ Petition (St.) No. 3206 of 2020 decided on 6 November 2020 so as to include the Children from Sexual Offences (POCSO) Act, 2012 within its ambit. Since the impugned order is based on a statutory provision, no error can be found in the same as there is a statutory bar against grant of Emergency (Covid-19) Parole.

4. In such circumstances, the Writ Petition is rejected.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

**JYOTI
PRAKASH
PAWAR**

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¹ 2020(6) Mh.L.J.627