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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR**

**CRIMINAL WRIT PETITION NO.517 OF 2021**

Dashrath Sambhaji Pawar,  
At present C-4097, Central Prison,  
Amravati. .... **Petitioner.**

**:: V E R S U S ::**

The Superintendent, Central Prison,  
Amravati. .... **Respondent.**

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Shri Tarun Parmar, Counsel for the Petitioner (Appointed).  
Shri S.S.Doifode, Additional Public Prosecutor for the Resp./State.  
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**CORAM : V.M.DESHPANDE, &  
AMIT B.BORKAR, JJ.**  
**DATE : AUGUST 27, 2021**

**ORAL JUDGMENT : (Per : Amit B.Borkar, J.)**

1. Heard learned counsel Shri Tarun Parmar, appointed by the High Court Legal Services Sub Committee at Nagpur, for the petitioner and learned Additional Public Prosecutor Shri S.S.Doifode for the respondent/State.

2. By this writ petition under Articles 226 and 227 of the Constitution of India, the petitioner is challenging order 12.6.2021 passed by the respondent rejecting emergency parole leave of 45

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days to the petitioner.

3. The petitioner is convicted for offence punishable under Section 302 of the Indian Penal Code and is sentenced to suffer imprisonment for life.

4. On 25.5.2021, the petitioner filed an application for his release on emergency parole leave which has been rejected by order impugned in this petition on 12.6.2021. The petitioner, therefore, filed the present petition challenging impugned order dated 12.6.2021.

5. On 30.7.2021, this Court issued Notice to the respondent. The respondent filed its reply stating therein that the petitioner is suffering from mental disease and undergoing medical treatment from 18.6.2011. The respondent to his reply annexed medical report of the Medical Officer, Amravati Central Prison, Amravati who has certified the petitioner as mentally unfit.

6. We have carefully considered Rule 4, sub rule 16 of the Maharashtra Prison (Mumbai Furlough and Parole Leave) (Amendment) Rule 2018 dated 16.4.2018 which precludes the

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petitioner for being released on emergency parole leave. In view of medical report dated 4.8.2021, we are satisfied that the petitioner is not eligible for being released on emergency parole leave as per Rule 4, sub rule 16 of the said Rule. There is no illegality in order dated 12.6.2021 impugned in this writ petition rejecting application for grant of emergency parole leave.

7. In this view of the matter, since there is no merit in the petition, the criminal writ petition is **dismissed** and disposed of accordingly.

8. Learned counsel Shri Tarun Parmar, appointed by the High Court Legal Services Sub Committee at Nagpur, is entitled for his professional fees and it is quantified at Rs.1500/-.

**JUDGE**

**JUDGE**

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