

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.536 OF 2020

Ramesh Dasu Chavhan,
Convict No.C/5991,
Aged-Major (55 years),
Occupation-Nil,
Confined At Central Prison,
Nagpur.

... Petitioner

.. Versus ..

1. State of Maharashtra,
Through Secretary, Home
Department, Mantralaya,
Mumbai.

2. The Superintendent,
Central Prison, Nagpur.

... Respondents

.....
Ms Shweta Wankhede, Advocate for the petitioner,
Shri M.J. Khan, APP for the respondents-State.
.....

**CORAM : PRASANNA B. VARALE AND
N.B. SURYAWANSHI, JJ.**

DATED : 30.03.2021.

JUDGMENT (PER : N.B. Suryawanshi, J.)

1. Rule. Rule made returnable forthwith. Heard finally
with the consent of the learned counsel for the parties.

2. The petitioner is convicted under Section 302 of the Indian Penal Code and is undergoing sentence of life imprisonment in Central Prison, Nagpur, being Convict No.C/5991. The petitioner applied for emergency parole of 45 days in pursuance of Notification dated 8.5.2020. The application came to be rejected. Hence, the present petition.

3. The learned Advocate for the petitioner submitted that there is total non application of mind on the part of the authority in rejecting the application of the petitioner. According to him, the very object behind issuance of Notification dated 8.5.2020 has been overlooked while rejecting the application of the petitioner. He submitted that the petitioner is entitled for his release on emergency parole for 45 days.

4. The learned APP, on the other hand, opposed the petition. He pointed out the chart given in affidavit-in-reply filed by the second respondent, wherein it is mentioned that on four occasions, the petitioner was released on furlough and on three occasions, the petitioner did not surrender on the due date. Once when the petitioner was released on parole, he surrendered

belatedly after 120 days. He, therefore, submitted that the petitioner is not entitled to be released on emergency parole.

5. We have gone through the documents placed on record and we have given thoughtful consideration to the submissions advanced by both the sides. The record indicates that on four occasions, the petitioner was released on furlough and on three occasions, he surrendered belatedly after 1 day, 55 days and 7 days respectively, but only on fourth occasion, he surrendered on due date. Even when the petitioner was released on parole in the year 2012, he surrendered belatedly after 120 days. In that view of the matter, the petitioner cannot be said to be entitled for release on emergency parole.

6. The authority has applied its mind to the facts and on the ground of belated surrender of the petitioner, it came to the conclusion that the petitioner does not fulfill the conditions mentioned in the said notification. All the relevant factors were taken into consideration by the authority and the authority has rightly come to the conclusion that the petitioner does not fulfill the criterias laid down in the said notification. We do not find

that any error was committed by the competent authority in rejecting the application of the petitioner.

7. We find no merit in the writ petition filed by the petitioner and the same is therefore dismissed. Rule discharged. There shall be no order as to costs.

(N.B. Suryawanshi, J.)

(Prasanna B. Varale, J.)