

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

**Criminal Writ Petition No. 651 /2021**

Firoz Chand Khan Pathan,  
Convict No.C/9049, aged 36 years,  
Occ.- Nil, Confined at Central Prison, Nagpur.

... Petitioner.

**VERSUS**

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

2. The Superintendent of Central Prison,  
Nagpur.

...Respondents

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Mrs. Shweta Wankhede, Adv for petitioner.  
Mrs. N.P. Tripathi, APP for respondents.

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**CORAM: M.S. SONAK & PUSHPA V. GANEDIWALA, JJ.**  
**DATE : 14-12-2021.**

**ORAL JUDGMENT** : (Per: M.S. Sonak, J.)

Heard Mrs. Wankhede, learned Counsel for the petitioner  
and Mrs. Tripathi, learned APP for the State.

2. The petitioner seeks emergency parole and complains  
that the emergency parole granted to him on 15-06-2021 was unduly  
curtailed based on vague apprehensions of the possibility that the

applicant would indulge to offences.

3. We have heard Mrs. Wankhede, learned Counsel for the petitioner and Mrs. Tripathi, learned APP for the State. We have also perused the record.

4. From the record we find that from 17-01-2020 the petitioner has availed parole leave for considerable period. There is prima facie material on record that during this period at least 2 offences were registered against the petitioner. One of the offences relates to the provisions of Sections 323 and 504 of the IPC and another relates to Sections 504 and 506 of the IPC.

5. Having regard to these facts, we think there was no error on the part of the authorities curtailing the emergency parole granted to the petitioner on 15-06-2021.

6. Mrs. Wankhede, learned Counsel submits that even after the registration of offences the petitioner was released on parole. If this is the position, the record indicates that the authorities are acting quite fair in this matter. But since the record indicates that the appellant has availed of parole leave on 17-01-2020 to 18-03-2020 and thereafter from 11-05-2020 to 11-02-2021, there is no case made out

for grant of further emergency parole. *Inter alia*, having regard to the improving COVID-19 position the petitioner was released on parole on 15-06-2021, but the report of the authorities said that the petitioner has breached the terms and conditions of the order. Therefore, the authorities have curtailed the period and the petitioner was brought back to the prison on 24-07-2021.

7. Having regard to all these circumstances including the COVID-19 position at the Nagpur Central Prison explaining in paragraph 13 in the reply affidavit of respondent no.2, we do not think that the petitioner is entitled to any relief at this stage. The petition is therefore liable to be dismissed and thereby dismissed. There shall be no order as to costs.

**(Pushpa V. Ganediwala, J.)**

**(M.S. Sonak, J.)**

*Deshmukh*