

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

CRIMINAL WRIT PETITION NO.675 OF 2020

Vishwas @ Guddu Rajesh Dahiwal

-- Petitioner

vs.

State of Maharashtra thr. Secretary Home
Department, Matralaya, Mumbai and another

--Respondents

Ms.S.D. Wankhede, advocate for the petitioner

Mr. A.R. Chutke, APP for the respondent -State

CORAM : PRASANNA B. VARALE &
N.B. SURYAWANSHI, JJ.

DATE : 01st APRIL, 2021

P. C. :

By the present petition, the petitioner-convict No. C/10460 presently lodged at Central Prison, Nagpur prayed for direction to the respondent No.2 to release the petitioner on emergency parole for 45 days to curb overcrowding in jail.

2. When the petition came out before this Court on 22nd March, 2021, it revealed that though the statement was made, the corresponding dates remained to be mentioned in the paragraph No.7, the learned counsel for the petitioner orally prayed for an amendment to the petition and accordingly the amendment is carried out. One more statement in the petition at page No.3 in

paragraph No.3 and the same reads that the application for emergency parole was rejected by the respondent No.2 – Superintendent, Central Prison, Nagpur and copy of the order of rejection was not given to the petitioner.

3. The petitioner has also placed on record the copy of Notification dated 8th May, 2020 in support of the prayer made in the petition.

4. Mr. A.R. Chutke, learned A.P.P for the respondent-State submitted that the petitioner, without making any application to the Prison Authorities for release on parole leave, has approached this Court directly. As such, the authorities had no occasion to consider the submissions in proper perspective as well as by applying the necessary provisions of law. The learned counsel for the petitioner admits this fact.

5. Considering this very fact, we are of the opinion that the petition can be disposed of by permitting the petitioner to approach the Competent Authority i.e. Superintendent of Prison, Central Prison, Nagpur by filing necessary application seeking parole leave, by taking recourse of the Government Notification dated 8th May 2020. The learned counsel for the petitioner undertakes to file such application expeditiously and not later than two weeks from today.

6. In case, such an application is submitted to respondent No.2 within stipulated period of two weeks, the respondent No.2 to pass an appropriate orders on the application as expeditiously not later than three weeks from the date of receipt of the application.

7. With these directions, the writ petition is disposed of.

[N.B. SURYAWANSHI, J.]

[PRASANNA B. VARALE, J]