

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

CRIMINAL WRIT PETITION NO. 678 OF 2020

PETITIONER :- Akash Santosh Maskar
Aged about 28 years,
Occup. Nil, R/o Mungsaj Ward, Behind
Police Station Ghatanji, Tq. Ghatanji,
Dist. Yavatmal, (Convict No. C-5376,
Central Prison, Amravati)

...VERSUS...

RESPONDENTS :-

1. State of Maharashtra through Divisional
Commissioner, Amravati Division,
Amravati.
2. Superintendent (Prison) Amravati
Central Prison, Amravati.

Ms.S.B. Khobragade, counsel for the petitioner.
Ms.H.N. Jaipurkar, APP for the respondents.

**CORAM : SUNIL B.SHUKRE &
AVINASH G. GHAROTE, JJ.**

DATE : 02.02.2021.

ORAL JUDGMENT (Per :Sunil B.Shukre, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally
by consent of the learned counsels appearing for the parties.

3. What is sought by the petitioner here is his emergency parole on the ground of onset of Covid-19 pandemic, in accordance with the G.R dated 08.05.2020.

4. By the impugned order, the benefit of this G.R. has not been granted to the petitioner. The discretion so exercised by the respondent no.2, in our considered opinion, cannot be substituted by this Court, as it appears to be based upon the prevailing situation in the State of Maharashtra, in particular in the district of Nagpur. This Court, in *Criminal Writ Petition No.565 of 2020 decided on 07.12.2020* has taken appropriate note of the change of situation when it said,

“Now, there has been a considerable change in the whole scenario in the country. The severity of the pandemic situation has decreased and the need for de-congestion of prisons has been reduced proportionately. When the situation has changed, the law being dynamic, has also to adopt itself to the change in the circumstances of the society, specifically in the light of the fact that the G.R. dated 08.05.2020 was brought to fulfill a particular purpose, which appears to have been served”.

5. Owing to the change of situation, it is no longer felt by the authorities to urgently decongest the prison and therefore, we are of the view that even this case is squarely covered by the said observations made by us in the order dated 07.12.2020 passed in Writ Petition No.565 of 2020.

6. Thus, we conclude that no case has been made out for making any interference in the impugned order. The Criminal Writ Petition stands dismissed.

Rule is discharged.

JUDGE

JUDGE