

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1022 OF 2022

Shaikh Rasul s/o Shaikh Amir ... Petitioner

Versus

The State of Maharashtra and others ... Respondents

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Ms. Bharati B. Gunjal, Advocate for petitioner.

Mr. S. D. Ghayal, APP for the respondent No.1 – State.

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**CORAM : SMT. VIBHA KANKANWADI AND
RAJESH S. PATIL, JJ.**

DATE : 27th July, 2022.

ORDER :-

. After hearing both sides, when the learned APP is pointing out Rule 19 of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959 (for short “the Rules of 1959”), which came into effect from 10.02.2022, which makes it Special provision for Special Parole in Rule 19(2) of the Rules of 1959. The said rule runs thus :-

“19.(2) Special Parole – (A) All convicted prisoners except foreigner and death sentenced prisoners may be eligible for special parole of four days, including the travelling time, for marriage of son/daughter/siblings. All the terms and conditions, except the period for which it is granted, shall

mutandis-mutandis apply for the grant of such special parole including all the provisos applicable to the emergency parole, only with the difference that, instead of Superintendent of Prison, any request for grant of such special parole will be considered by the Deputy Inspector General of Prisons.

(B) The initial period of four days of special parole may be extended by a further additional period of maximum upto four days, total being not more than maximum eight days, by a written order containing just, sufficient, cogent and self-explanatory reasons, passed by the Deputy Inspector General of Prisons, before expiry of initial period of four days. No extension shall be granted to such special parole in any case and under any circumstances beyond the period of total eight days.”

2. In view of the specific provision in Rule 19(2)(B) of the Rules of 1959 for extension of special parole for 4 days, the petitioner is at liberty to approach the appropriate authority and if the said application is made, then the authority to decide it immediately. With these directions, the writ petition stands disposed of.

[RAJESH S. PATIL, J.]

[SMT. VIBHA KANKANWADI, J.]

scm