

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.1472 OF 2022

**HAJIALI DASTGIR SAYED (C-9508)
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**. . .
Advocate for Petitioner : Ms. Sharada P. Chate
APP for Respondents-State : Mr. S. J. Salgare
. . .**

**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 17 OCTOBER 2022

PER COURT :

Heard the learned advocate for the petitioner as also the learned
APP.

2. The petitioner was granted emergency parole for 45 days and surrendered on 11 October 2022. Stating that his mother is suffering from terminal illness, he applied for extension of parole under Rule 19 of the Prisons (Bombay Furlough & Parole) Rules, 1959. By the communication dated 6 October 2022 his request has been rejected. In addition to challenge to that order he is also seeking further extension.

3. In view of law that according to Rule 19 of Prisons (Bombay Furlough & Parole) Rules, 1959, parole leave can be extended by a period of 15 days maximum. The period of 45 days had expired on 11 October 2022

and he had surrendered on 11 October 2022. In view of such law no power vests with the authorities to grant extension.

4. Pertinently, by virtue of deletion of Rule 25 of the Rules which till its deletion empowered the authorities to grant an extension, no fault can be found in the order passed by the Deputy Commissioner dated 6 October 2022 in taking note of this provision of law and refusing extension. We see no apparent illegality.

5. The petition is dismissed.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)

Tandale/-