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

**CRIMINAL WRIT PETITION NO.34 of 2022**

Vijendrakumar s/o Malaram Ranwa,  
Aged – 27, C-5068, presently at Central  
Prison Amravati, District Amravati. .... **Petitioner.**

**:: V E R S U S ::**

State of Maharashtra, through  
Divisional Commissioner Amravati, District Amravati.

2. Superintendent of Central Prison  
Amravati, District Amravati. .... **Respondents.**

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Shri A.Y.Sharma, Counsel for the petitioner.  
Mrs.Nandita Tripathi, Addl.P.P. for the state.

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**CORAM : V.M.DESHPANDE, & AMIT B.BORKAR, JJ.**

**DATE : MARCH 11, 2022**

**ORAL JUDGMENT** (Per : Amit.B.Borkar, J.)

1. Heard learned counsel Shri A.Y.Sharma for the petitioner and learned Additional Public Prosecutor Mrs.Nandita Tripathi for respondents/state. **Rule.** Rule made returnable forthwith. Heard finally by consent of learned counsel for parties.

2. By this writ petition, under Article 226 of the Constitution of India, the petitioner challenges order dated 14.12.2021 passed by respondent No.1-the Divisional Commissioner Amravati whereby application of the petitioner for grant of parole leave for 45 days has

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been rejected.

3. The petitioner is convicted for offences punishable under Sections 6, 10, and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, “the said Act”) and is directed to suffer 12 years imprisonment and presently he is undergoing the imprisonment at Amravati Central Prison, Amravati.

4. On 25.11.2021, the petitioner had applied for grant of parole leave which the application came to be rejected by order dated 14.12.2021 on ground that the petitioner was convicted for offences punishable under Sections 6, 10, and 12 of the said Act and, therefore, he is not entitled for grant of parole leave.

Hence, the present writ petition.

5. By order dated 28.1.2022, this Court issued Notices to respondents. Respondent No.1 filed its reply stating in it that the petitioner, being convicted for offences under the said Act, is not entitled for grant of parole leave.

6. We have carefully considered contentions made by learned counsel for the petitioner and gone through contents of the reply filed by respondent No.1.

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7. Learned counsel for the petitioner invites our attention to order dated 26.10.2021 passed by this Court (Coram : M.S.Sonak & Pushpa V.Ganediwala, JJ.) granting liberty to the petitioner to file a fresh application if any permissible occasion arises. In our opinion, the liberty granted by the said Court does not create any independent right if the petitioner is not eligible for the relief prayed by him.

8. Having gone through provisions of Rules 4 (10) and 4(21) of the Prisons (Bombay Furlough and Parole) Rules, 1959, we are satisfied that the petitioner having been convicted under the special Act is not entitled for grant of parole leave and, therefore, there is no illegality in exercise of power by respondent No.1 rejecting the application of the petitioner for grant of parole leave.

9. In view of the above, the criminal writ petition is **dismissed** and disposed of accordingly. Rule is discharged.

**JUDGE**

**JUDGE**

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