

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

CRIMINAL WRIT PETITION NO. 677 OF 2021

Rajkumar Baidyanath Pal
Aged about 45 years
R/o Presently detained in Central Prison,
Amravati, District Amravati.
Convict No.C-2630

... PETITIONER

---VERSUS---

The State of Maharashtra,
Through the Superintendent of Prison,
Central Prison, Amravati, Tah. And
District Amravati.

...RESPONDENT

Shri A.A. Pannase, Advocate for (appointed) petitioner.
Ms N.R. Tripathi, Additional Public Prosecutor for respondent.

**CORAM : V. M. DESHPANDE AND
AMIT BORKAR, JJ.**

DATE : 11th APRIL, 2022.

JUDGMENT : (PER - AMIT BORKAR, J.)

1. Heard.
2. **Rule.** Rule made returnable forthwith.
3. By this writ petition under Articles 226 and 227 of the Constitution of India the petitioner is challenging the order dated 29.05.2021 refusing the release of the petitioner on emergency

parole under Rule 19(1)(ii) of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959.

4. The petitioner is convicted for the offence punishable under Section 302 of Indian Penal Code and on the date of application he has undergone punishment of 15 years and 5 months.

5. The petitioner on 25.05.2021 filed an application before the respondent seeking emergency parole, which has been rejected by its order dated 29.02.2021. The petitioner is, therefore, challenging the said order by of present writ petition.

6. This Court on 13.10.2021 issued notice to the respondent. In pursuance of which, the respondent has filed reply stating that on earlier occasion when the petitioner was released on furlough leave, the petitioner surrendered late after 2328 days.

7. In view of paragraph 3 of reply, it appears that the petitioner has himself surrendered late by 2328 days. Thus, the petitioner is not entitled for being release in view of decision of this Court in **Milind Ashok Patil and Ors vs State of Maharashtra in Criminal Writ Petition-ASDBLD-VC No.65/2020.**

8. There is no merit in the petition, the petition is therefore dismissed.

9. Shri A.A. Pannase, learned counsel being appointed through High Court Legal Services Sub-Committee, is entitled for his professional fees and we quantify at ₹2,500/-

Rule stands discharged. Pending application(s), if any, stand(s) disposed of.

JUDGE

JUDGE

Wagh