

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

CRIMINAL WRIT PETITION NO.60 OF 2022

PETITIONER:- Amar Omvir Singh Rathi-C-5067,Aged about 24 years, Occupation-Cleaner in Jail, Central Prison, Amravati District Amravati.

...VERSUS...

RESPONDENTS :- Divisional Commissioner,
Amravati Division, Bypass Road,
Camp,Tehsil- Amravati and District-
Amravati 444602.

Mr.S.R.Jaiswal, counsel for the petitioner.
Ms.N.R.Tripathi, APP for respondent

**CORAM : SUNIL B.SHUKRE &
G.A.SANAP, JJ.**

DATE : 29.06.2022.

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

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

3. Apart from adverse Police report, which may not be so relevant in the present case, and in view of the opinion expressed by this Court in the case of **Arun Gulab Gawli Vs. Divisional Commissioner, Nagpur Division, Nagpur and ors.** reported in **2020(6) Mh.L.J. (Cri.) 254**, we find that the petitioner being a POCSO convict, is not eligible for any furlough under Rule 4 sub-rule (21) of the Prisons (Bombay Furlough and Parole) Rules, 1959 (for short 'the said Rules') and therefore, is also not entitled to seek regular parole in terms of Rule 19 (3) of the said Rules. The petitioner is not seeking any emergency parole and the application seeking regular parole is barred by the provisions made in Rule 19(3) of the said Rules, which lays down that all the prisoners eligible for furlough shall be eligible for regular parole. As stated earlier, the petitioner being a POCSO convict is not eligible for furlough in terms of Rule 4 (21) and also read with Rule 4(12) of the said Rules. Thus, there is no merit in the petition. The Writ Petition stands dismissed. No costs.

4. Rule stands discharged.

(G.A.SANAP, J)

(SUNIL B. SHUKRE,J)