



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 CRIMINAL WRIT PETITION NO. 715 OF 2024

KAILASH JAGANNATH PRADHAN

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Chate Sharada Pundlik

APP for Respondents/State : Mr. N.R. Dayama

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 23.04.2024

PER COURT :

Heard both the sides.

2. The petitioner's parole application has been rejected by referring to Clause (ii) of sub clause (g) of sub Rule 3 of Rule 19 of the Maharashtra Prisons (Bombay Furlough and Parole Leave) (Amendment) Rules, 2022 (hereinafter 'the Rules') only on the ground that one and half year has not elapsed since his last return from the leave. Even his appeal has been dismissed on the same ground.

3. Suffice for the purpose to observe that already a challenge has been put up to the virus of the very Clause of Rule 19 and matter is under active consideration of the State Government and it is reported to be at the fag end

4. This Court has been directing the authorities to consider the leave applications ignoring such impediment of lapse of one and half year since last return.

5. We would be consistent. We allow the writ petition partly, quash and set aside the impugned order as also the order passed in the appeal and direct the respondent no. 2 to decide the petitioner's application afresh on its own merits, as expeditiously as possible and in any case within three weeks. However, it shall not be rejected by referring to Rule 19(3)(g)(ii) of the Rules.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-