



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

CRIMINAL WRIT PETITION NO.1254 OF 2024

Sachin Sanjay Giri

.. Petitioner

Versus

The State of Maharashtra and Another

.. Respondents

.....

Ms. Sarita V. Gaikwad, Advocate for the Petitioner

Mr. S. S. Dande, APP for the Respondent / State.

.....

CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.

Dated : July 19, 2024

PER COURT :-

. By way of this petition, the Petitioner seeks extension of the Parole Leave.

2. It is submitted by learned Advocate for the Petitioner that the concerned Authority has granted Special Parole to the Petitioner to attend his brother's marriage which was for four (4) days. She submitted that the Petitioner is praying for extension of said leave for further four (4) days. When we asked her whether the Petitioner has moved the Application for extension of the said Parole Leave, she said that the same is not done. She submitted that tomorrow and day after tomorrow i.e. 20.07.2024 and 21.07.2024 there are holidays and so the Petitioner will not be able to move the Application.

3. Learned APP submitted that the concerned authority is the DIG before whom the said Application would lie. He brought to notice of this Court Rule 19 (2) of the Prisons (Bombay Furlough and Parole) Rules, 1959 which reads as under:

“19. When a prisoner may be released on emergency parole:

(1)

(2) Special Parole :

(A) All convicted prisoners except foreigner and death sentenced prisoners may be eligible for special parole of four days, including the travelling time, for marriage of son/daughter/siblings. All the terms and conditions, except the period for which it is granted, shall mutandis-mutandis apply for the grant of such special parole including all the provisos applicable to the emergency parole, only with the difference that, instead of Superintendent of Prison, any request for grant of such special parole will be considered by the Deputy Inspector General of Prisons.

(B) The initial period of four days of special parole may be extended by a further additional period of maximum upto four days, total being not more than maximum eight days, by a written order containing just, sufficient, cogent and self-explanatory reasons, passed by the Deputy Inspector General of Prisons, before expiry of initial period of four days. No extension shall be granted to such special parole in any case and under any circumstances beyond the period of total eight days.”

3.1. Learned APP submitted that the appropriate orders be passed.

4. Considering the peculiar aspects that the Petitioner was granted four (4) days Special Parole Leave to attend the marriage of his brother and he could not make the Application for extension of the same as he was attending the marriage and subsequent two (2) days being holidays from tomorrow i.e. 20.07.2024 and 21.07.2024, we are inclined to

extend the Parole Leave of the Petitioner for further four (4) days.

5. The concerned authority be informed accordingly. Criminal Writ Petition stands disposed of.

6. Authenticated copy of this order be supplied to the parties to act upon.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP