



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

CRIMINAL WRIT PETITION NO. 989 OF 2023

SANJAY SAHEBRAO PAWAR (C-8452)

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Rupesh Anil Jaiswal

APP for Respondents/State : Ms. V.N. Patil-Jadhav

...

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

DATE : 19 APRIL 2024

PER COURT :

. The petitioner is before us being aggrieved and dissatisfied by the decision whereby his application for parole leave has been turned down by referring to the provisions contained in Rule 19(3)(g)(ii) of the Maharashtra Prisons (Bombay Furlough and Parole Leave) (Amendment) Rules, 2022, whereby the application for parole leave cannot be entertained within one and half year since return from the last leave availed of by the prison.

2. Considering the fact that the vires of this Rule 19(3)(b) and different clauses thereunder, have been challenged and even according to the State, this being seriously considered by the State independently, this Court has been directing the authorities to consider the leave applications independent of the fact that the prisoner has returned within a period of one and half year since the date he avails of different plea of leave.

3. Even otherwise, as is being submitted by the learned APP, the period of one and half year in the petitioner's matter is over by now.

4. In view of the above, the Criminal Writ Petition is partly allowed. The impugned order is quashed and set aside.

5. The respondents shall pass a fresh order on the petitioner's application for parole leave. The decision shall be taken as expeditiously as possible and in any case within three weeks from today.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb