

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.3070 OF 2021

Uttam Shantaram Potdar	]	..	Petitioner
vs.			
State of Maharashtra & Ors.	]	..	Respondents

ALONGWITH

CRIMINAL WRIT PETITION NO.965 OF 2024

Kalyan Bansidharrao Renge	]	..	Petitioner
vs.			
State of Maharashtra & Ors.	]	..	Respondents

ALONGWITH

CRIMINAL WRIT PETITION(ST) NO.18974 OF 2024

Sabeha Farhan Khot	]		
(wife of Farhan Abdul Malik Khot)	]	..	Petitioner
vs.			
State of Maharashtra & Ors.	]	..	Respondents

ALONGWITH

CRIMINAL WRIT PETITION(ST) NO.20825 OF 2024

Shahnawaz Abdul Kadar Qureshi	]	..	Petitioner
vs.			
State of Maharashtra & Ors.	]	..	Respondents

Mr.N.N. Gawankar a/w Shreyas Gawankar i/b Manas Gawankar for the Petitioner in WP No.3070/2021.

Mr.N.N. Gawankar i/b Vikas Awale for the Petitioner in WPST No.18974/2024.

Mr.N.N. Gawankar a/w Manas Gawankar i/b Vikas Awale for the Petitioner in WPST No.20825/2024.

Mr.P.B. Gujar for the Petitioner in WP No.965/2024.

Dr.Birendra Saraf, Advocate General with Mr.S.V. Gavand, APP for the State in WP No.3070/2021.

Dr.Birendra Saraf, Advocate General with Ms.M.M. Deshmukh, APP for the State in WP No.965/2024.

**CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ**

DATE : 11th DECEMBER, 2024.

P.C.

1. In continuation of our earlier orders when the learned Advocate General Dr.Birendra Saraf has assured us to have the rules re-looked into the provision in the parole and furlough Rules which impose a complete embargo for a prisoner being released on parole if he is not found eligible for release on parole, we were informed that the draft rules are in pipeline, but on account of the ensuing elections, completion of necessary formalities and its notification consume some time.

2. Today with the able assistance of the learned Advocate General, the Maharashtra Prison (Parole and Furlough) Rules, 2024 have been notified on 02/12/2024 and copy of the same is placed before us, which is taken on record.

The learned counsel Mr.Gawankar has expressed his satisfaction

over the said Rules as according to him the Rules are not restricted only to the lacunae for which he had approached this Court, being the entitlement for being released on parole was dependent on the entitlement of the person to be released on furlough, according to him, many of the loopholes in implementation of the Bombay (Furlough and Parole) Rules have been plucked and according to him the procedure has been made simpler, with time bound directions for taking decision on the parole and furlough applications of the Prisoner/convict.

3. We have also cursorily gone through the Rules and must express our appreciation for the learned Advocate General Dr.Birendra Saraf, who had persuaded the State Government to take appropriate steps to avoid the unpleasant situation of denying the benefit of Parole leave only on the ground that the convict is not eligible for furlough, and since the Rules are now in place, we expect the procedure for releasing the Convicts/ Prisoners on parole or furlough to be more simplified.

Since the cause of action in the Petitions listed revolve around the lacunae in the existing rules, since it stands redressed with the notification of the new Rules and the Writ Petitions are disposed off.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)