

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

CRIMINAL WRIT PETITION NO.965 OF 2024

Kalyan Bansidharrao Renge

.... Petitioner

Versus

The State of Maharashtra and Ors.

.... Respondents

.....
Mr.Sanjeev Kadam a/w. Mr.P.B. Gujar, Advocate for the
Petitioner.

Ms.M.M. Deshmukh, APP for Respondent – State.

.....

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

DATED : 11th JULY 2024.

P.C. :

1 As far as the relief available to the present petitioner is concerned, in the wake of Sub-section 2 of Section 19, which create an embargo to avail regular parole, by providing that all the prisoners eligible for furlough are only eligible for regular parole for the reason like; serious illness of a member of family, natural calamities, delivery by wife etc..

 However, in the wake of this provision contemplating eligibility for furlough and since as far as the entitlement of the petitioner is concerned, he is hit by Rule 4(12) of Maharashtra Prisons (Bombay Furlough and Parole) Rules, 1959, and on this

account, since he is not eligible for availing furlough, he becomes automatically ineligible for regular parole.

2 Mr.Kadam appearing for the petitioner would submit that there is no reason why grant of regular parole is preceded by this condition, when in case of emergency parole, no such condition, is required to be complied with, and all convicted prisoners are entitled to avail emergency parole.

Describing the said stipulation to be discriminatory and therefore violative of Article 14 of the Constitution of India. Mr.Kadam is desirous of raising a challenge to the said provision by amending the writ petition.

We permit such ground to be added and upon hearing, the Respondent-State would pronounce upon its validity.

Let the necessary amendment be carried out within a period of two weeks, with an advance copy of the amended petition be served upon the Respondent-State.

If necessary, the State shall file its affidavit within two weeks thereafter.

Since the validity of the Rules formulated in exercise of power under the Prisoners Act, 1894, are called in question, upon the amendment being carried out, we would expect the learned Advocate General, representing the Respondent-State to address the issue.

Re – notify to **6th August, 2024.**

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)