



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 244/2023.

Azam Aslam Butt

-VERSUS-

State of Maharashtra and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

None for the Petitioner.

Ms N. Tripathi, A.P.P. for Respondents.

CORAM : VINAY JOSHI AND
ABHAY J. MANTRI, JJ.

DATE : OCTOBER 21, 2024.

None present for the petitioner when
the matter is called out.

2. Heard the learned A.P.P. for
respondents. With her assistance we have gone
through the contents of the matter. The petitioner,
a convict, simply urged that he be allowed to apply
afresh for grant of regular parole on account of his
mother's illness. The petitioner has expressed fear
that the authority may not consider his application

in terms of Rule 19[2][3][ii] of the Prisons [Bombay Furlough and Parole] Rules, 1959.

3. The petitioner can always apply for grant of parole leave for which permission of this Court is not required, and the authority is required to consider the same on the basis of the facts and circumstances of the case. As regards, applicability of Rule 19[2][3][ii] of the 1959 Rules is concerned, Full Bench of this Court in a decision in case of **Kantilal Nandlal Jaiswal .vrs. Divisional Commissioner, Nagpur – 2019 [6] Mh.L.J. 186** has concluded the issue.

4. In view of above, the petitioner is at liberty to apply for parole on the ground of his mother's treatment, and if such application is moved, the authority concern shall decide the same within a period of four weeks from the receipt of the application, in accordance with the law.

5. Writ Petition is disposed of accordingly.

JUDGE

JUDGE