IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.528 OF 2024

AMITKUMAR S/O SATYANARAYAN KUSHWAH
VS
THE STATE OF MAHARASHTRA THR. SUPERINTENDENT OF JAIL, NAGPUR CENTRAL PRISON, NAGPUR

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order

Mr. R.L. Kadu, Advocate for the Petitioner/s
Ms N.R. Tripathi, APP for the Respondent/State

CORAM : SMT. VIBHA KANKANWADI
& MRS. VRUSHALI V. JOSHI, JJ.
DATE : 10.07.2024.

1. Heard the learned Advocate for the petitioner and the learned APP.

2. Perused the documents on record. It appears that the application for emergency parole filed by the petitioner came to be rejected by the respondent on the ground that there is no provision for grant of such leave for marriage of niece.

3. It appears that invitation card was annexed with the application but still it has been considered that the marriage is of niece of the applicant. In fact, if we consider the bride name, she is the daughter of Satyanarayan Kushwah, who is the father of the present petitioner, this marriage is of the sister of the petitioner. This shows that there is no proper application of mind by the concerned authority and therefore, the said order dated 27.06.2024 deserves to be set aside.

4. The order dated 27.06.2024 is hereby set aside.

5. Since the marriage is at Firozabad, Uttarpradesh (UP), we direct the respondent to pass appropriate order and grant application of the petitioner, as some emergency parole can be granted as per G.R. dated 10.02.2022, Rule 19(2), pertaining to marriage.

6. Order be passed and parole be granted immediately i.e. by tomorrow 5.00 p.m.

7. The learned APP to inform and the parties to act upon authenticated copy of the order.

8. Accordingly, the petition is **disposed of**.

[MRS. VRUSHALI V. JOSHI, J] [SMT. VIBHA KANKANWADI, J]

Later on:

In the morning we had set aside the order dated 25.6.2024/27.6.2024 passed by respondent when it was pointed out that the 'marriage of the sister of petitioner' was scheduled on 15.7.2024.

Now at 3.45 p.m. learned A.P.P. points out in view of record called by him from the jail authority that in fact it is the 'marriage of the niece of petitioner'. Learned Advocate for the petitioner confirms now that in fact relationship between the bride and the

petitioner is niece but then impression was given by the petitioner to him that it is the sister's marriage. Rule 19(2) of Government Resolution dated 10.2.2022 does not allow emergency parole for the marriage of niece. It only prescribes for special parole of four days including the travelling time for the marriage of son/daughter/siblings. Under said circumstance, we do not find any illegality or error committed by the respondent in passing the impugned order dated 25.6.2024/27.6.2024. We, therefore, recall our order passed today in the morning. Petition stands **dismissed.**

[MRS. VRUSHALI V. JOSHI, J] [SMT. VIBHA KANKANWADI, J]