



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

CRIMINAL WRIT PETITION NO.828 OF 2024

PRADEEP RAIBHANJI GAIKWAD

VS

THE STATE OF MAHARASHTRA THR. DIVISIONAL COMMISSIONER AMRAVATI AND ANTOHER

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms S.P. Chavhan, Advocate for the petitioner/s
Ms N.R. Tripathi, APP for the State

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

DATED : 15/10/2024.

1 The rejection of regular parole is the subject matter of challenge.

2 Heard finally with the consent of both the counsel.

3 The petitioner has applied for parole leave for construction of house. The authority has rejected the parole leave on the ground that the petitioner has not supplied documents, forfeiting the cause; and secondly due to the amended Rule 19(3)(C)(ii) of the Prison (Bombay Furlough and Parole) Rules, 1959 (in short "the Prison Rules"), he is not entitled for parole within one and half years from his earlier return either from regular parole or furlough.

4 So far as the second reason is concerned, it would not sustain in the eyes of law, in view of the Full Bench decision of this Court in the case of *Kantilal Nandlal Jaiswal Vs. Divisional Commissioner and Anr.* (Criminal Writ Petition No.1046 of 2018), decided on 13.09.2019.

5 As regards to the first ground, the petitioner is stated to have not produced any document which needs to be considered as fresh. In view of the above, the petition is partly allowed.

(i) We quash and set aside the impugned order dated 14.08.2024 passed by the Divisional Commissioner, Amravati.

(ii) The petitioner is at liberty to supply necessary documents within two weeks on which the authority shall take independent decision within two weeks, thereafter.

6 We make is clear that the authority shall not reject the application on the ground of amended Rule 19(3)(C)(ii) of the Prison Rules.

The petition stands **disposed of** in the above terms.

(ABHAY J. MANTRI, J.)

(VINAY JOSHI, J.)