

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

CRIMINAL WRIT PETITION NO. 9 OF 2026

DISTRICT : - KOLHAPUR

Yogesh Narayan Raut

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

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Mr. N.N. Gawankar a/w Somnath Thengal i/b Manas Gawankar for the
Petitioner.

Mr.A.A. Naik, APP for the Respondent - State.

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**CORAM : R.G. AVACHAT AND
AJIT B. KADETHANKAR, JJ.**

DATE : 18th FEBRUARY, 2026.

ORAL ORDER : (Per Ajit B. Kadethankar, J.)

1. Rule. Rule made returnable forthwith.

2. Heard Mr. Gawankar, learned counsel for the petitioner and Mr.
Naik, learned Assistant Public Prosecutor for the respondent – State.
Considering the nature of prayers made in the petition, we have heard
the parties for final disposal of the writ petition.

3. The petitioner was arrested on 15th June 2014 in connection with C.R. No. I-62/2014 registered with Badlapur (E), Police Station, Dist. Thane. The crime was later culminated into a MCOCA Special Case No. 7 of 2014 to be tried by the learned Additional Special Judge at Thane. After the trial, the learned Additional Special Judge MCOCA, Thane convicted the petitioner vide order dated 18th June 2025 for offences punishable under Sections 302 and 452 r/w Section 34 of the Indian Penal Code and sentenced him to suffer imprisonment for life. The petitioner was however acquitted of the charges under MCOC Act. As against the conviction order, the petitioner has filed the Criminal Appeal No. 756 of 2025, which is pending before this Court.

4. Mr. Gawankar, learned counsel for the petitioner would submit that on 19th December 2025, the petitioner was released on regular parole leave for a period of 40 days, which were to end on 28th January 2026.

5. That, suddenly on 3rd January 2026, the Senior Police Inspector, Badlapur (E) Police Station summoned Petitioner to the Police Station and intimated that the parole leave granted to the petitioner for 40 days has been cancelled and the petitioner was made immediately to

surrender to the Kalamba Central Jail, Kolhapur.

6. The said order dated 03-01-2026 refers to a communication dated 2nd January 2026. The said communication is at page 37 of the writ petition. The communication dated 2nd January 2026 reveals that the petitioner was granted parole leave for medical reason of his mother namely Smt. Aruna Narayan Raut. It further reveals that the authorities discovered that Smt. Aruna Narayan Raut was not the real mother of the petitioner, and was in fact step mother of the petitioner. On this count, referring to the Rule 2, 1(b) and Rule 12 of Chapter III of the Maharashtra Prisons (Furlough and Parole) Rules, 2024, the petitioner's parole leave was cancelled forthwith. As against this, the petitioner is before us.

7. Mr. Gawankar, learned counsel for the petitioner would specifically submit that vide letter dated 3rd January 2026, the petitioner was simply called upon to report to the Police Station and he was made to surrender. Learned counsel for the petitioner would submit that it is evident from the two documents on record, which are the only documents pertaining to cancellation of his parole leave, that no notice of cancellation of the parole leave was served ever on the petitioner. He submits that no opportunity of hearing was given to the

petitioner before cancelling the parole leave. He would submit that the ground mentioned in the communication dated 2nd January 2026, in fact are of such nature that the petitioner ought to have been called to explain his side. As such, an opportunity was needful to be given to the petitioner before cancellation of his parole leave on the specific ground mentioned in the communication dated 2nd January 2026.

8. Mr. Naik, learned Assistant Public Prosecutor would rely upon Rule 2, 1(b) as also Rule 12 of the Rules. He would submit that it is clear from the Rules that parole on account of medical reason of step mother is not provided under the Rules. He would submit that the parole or medical leave may cover medical reason of real mother of a person, but not in the case of step mother, such parole could have been granted. He would submit that step mother is not included in the category of blood relatives.

9. Be that as it may. What we find that the parole cancellation order is suddenly served on the petitioner and the petitioner was forthwith made to surrender to the jail under the pretext of the reasons mentioned in the communication dated 2nd January 2026.

10. We are cautious about the sincere objection raised by Mr. Naik,

learned Assistant Public Prosecutor that there is no provision for cancellation of a general parole. He would submit that the leave for parole is always subject to its terms and conditions as laid down in the Rules of Parole. However, we do agree with the submission made by Mr. Gawankar, learned counsel for the petitioner that considering the contents of the communication dated 2nd January 2026, the petitioner in the peculiar facts, ought to have been given an opportunity of hearing as to why parole granted by the authority could not have been cancelled.

11. At this juncture we restrict ourselves from taking up the issue for consideration raised by Mr. Gawankar, learned Advocate for the Petitioner as to whether step mother could be covered by the Chapter III Rule 12 of the Parole Rules. What is material before us to cause our interference, that the peculiar facts of the case required the authorities to call upon the Petitioner to explain the cause and the facts. In the peculiar facts of the case, the Petitioner deserved an opportunity of hearing.

12. In view of this, we allow the Writ Petition. The communication / order dated 3rd January 2026 at page No.39 of the Writ Petition compilation is set aside. The petitioner shall be released forthwith

from the jail to avail the parole for the remainder period of the parole order of 2025.

13. It is made clear that the respondent – authorities are at liberty to take appropriate action as per the Rules by giving opportunity of hearing to the petitioner.

14. The Writ Petition stands disposed of. Rule is made absolute in the above terms.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT, J.]