

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

WRIT PETITION NO. 280 OF 2026

Vinodkumar Chellappan Pillai.

...Petitioner.

Versus

The State of Maharashtra and Others.

...Respondents.

Mr. Mirlidhar Kharat for the Petitioner.

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

Mr. Rupesh Jaiswal, amicus curiae.

**Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.**

Date : April 10, 2026.

P. C. :

1. Heard Mr. Kharat, learned Counsel appearing for the Petitioner and Mr. Naik, learned APP for the Respondent-State.
2. In the present writ petition, challenge is to the action of respondents, particularly, Respondent No.3-the Superintendent, Kolhapur (Kalamba) Central Prison, Kolhapur of not entertaining the application of petitioner for grant of parole leave.
3. It is the submission of learned Counsel appearing for the Petitioner that said application was not entertained by the Prison Authorities taking recourse to Rule 14 of the Maharashtra Prisons (Furlough and Parole) Rules, 2024 [for short "***the said Rules***"] which provides that parole leave can be entertained only on completion of one

year of actual imprisonment. He submits that insofar as the Petitioner is concerned, he has been convicted under Section 138 of the Negotiable Instruments Act, 1881 and substantive sentence awarded on him is only one year of imprisonment. He further submits that the Petitioner is seeking parole leave as Petitioner's father, who is 86 years old, is not keeping well. To substantiate his contention that the said period of one year as prescribed in Rule 14 of the said Rules will not apply to the case of Petitioner, Mr. Kharat, learned Counsel appearing for the Petitioner has relied upon the decision of the co-ordinate bench of this Court in the case of ***Balaji Abhaji Puyad v. State of Maharashtra***¹.

4. On the other hand, Mr. Naik, learned APP submits that in view of Rule 14 of said Rules, it is not permissible for the prison authorities to consider the Petitioner's application for parole leave before Petitioner completes one year's of actual imprisonment and therefore he supported the action of Respondents.

5. In view of the question involved in the matter, we appoint Mr. Rupesh Jaiswal, learned counsel of this Court as *amicus*.

6. We keep the matter for further consideration on **21st April 2026 at 2.30 p.m.** However, in the meanwhile, we direct Respondent No.3-the Superintendent, Kolhapur (Kalamba) Central Prison, Kolhapur to

1 Crim. WP (st) No. 21606 of 2024 dtd. 28-10-2024.

consider the fresh application of Petitioner, to be filed tomorrow itself, on its own merits seeking parole leave.

7. As the Petitioner's father, who is 86 years old and is not keeping well, in the facts and circumstances of the case, such fresh application to be filed by the Petitioner tomorrow, be decided by the Respondent No.3 as expeditiously as possible and in any case on or before 21st April 2026.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]