IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 907 OF 2014

HRISHIKESH KAILAS BEDRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Petitioner : Mr. A. P. Bhandari, Advocate h/f
Mr. Rothe Rajesh F. and Mr. Sominath Sangale
APP for Respondent / State : Mrs. M.S. Patni
Advocate for Respondent No. 5 : Mr. R. N. Dhorde, Senior Counsel i/b Mr. A.M. Gaikwad

CORAM : S.S. SHINDE & A.M. BADAR, JJ.
DATE : 7TH JANUARY, 2015.

PER COURT:

1] Heard counsel for petitioner. He submits that when the respondent No.5 was released on parole, he has misused the same. He further submits that order dated 20.3.2013, releasing respondent No.5 on parole does not take into consideration the previous conduct of respondent no.5 that when parole was granted to him on earlier occasion, he overstayed for 429 days. It is further submitted that the authorities have illegally granted parole to respondent No.5, without taking into consideration the conduct of respondent No.5.

2] Counsel for petitioner also relied upon the pleadings in the petition, grounds taken therein.

3] Learned Senior Counsel for the respondent No.5 invited our attention to the averments in the affidavit in reply and submits that the petition is devoid of any merit and hence, same be dismissed.

4] Learned APP submits that the authorities have passed the order

keeping in view the relevant rules and, therefore, no illegality can be attributed to the impugned order.

5] Upon perusal of Exhibit D-1 at Page 119 to 120 of the compilation of the writ petition, the Superintendent of Nasik Road Central Prision, Nasik, did pass an order imposing punishment on respondent No.5 for over-stay when he was released on parole earlier. Therefore, to that extent, the grievance of the petitioner has been taken care of by the said order.

6] It is not in dispute that when the respondent No.5 was released on parole in the year 2014, he availed the said leave and surrendered. In that view of the matter, in our opinion, no further adjudication in this petition is warranted. In the circumstances, the writ petition is disposed of.

[A.M. BADAR]
JUDGE

[S.S. SHINDE]
JUDGE.

grt/-