

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Writ Petition No. 976 of 2015

Balu Rangnath Lagad,
Convict No. 4639,
Open District Prison, Paithan,
District : Aurangabad.

.. Petitioner.

versus

1. The State of Maharashtra.
2. The Dy. I.G. (Prison),
Central Jail, Harsul,
Aurangabad.
3. The Dy. Superintendent of Police,
Ahmadnagar.
4. The Divisional Commissioner,
Aurangabad.
5. The Superintendent,
Open District Prison,
Paithan.

.. Respondents.

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*Mrs. Vidya P. Dhorde Patil, Advocate (Appointed), for
the petitioner.*

*Mr. A.V. Deshmukh, Additional Public Prosecutor, for
respondent nos.1 to 5.*

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 19TH AUGUST 2015

ORAL JUDGMENT (Per S.S. Shinde, J.) :

1. Heard Adv. Mrs. V.P. Dhorde Patil (appointed) for the petitioner, and learned APP Mr. A.V. Deshmukh for the respondents.
2. Rule. Rule made returnable forthwith. By consent, heard finally.
3. This petition seeks review of the order dated 11th May 2015, passed by respondent no.2 i.e. Deputy Inspector General of Prisons, Aurangabad,
4. The learned Counsel appearing for the petitioner submits that the earlier record of the petitioner (a prisoner) is good. She submits, that the parole of 30 days was extended by the Divisional Commissioner, Aurangabad, by order dated 13th April 2014. She further submits, that as the petitioner's conduct is good, he is lodged in the Open Prison.
5. The learned Additional Public Prosecutor submits that when the petitioner was earlier released on parole, he did not report within time. However, he fairly concedes that 30 days' overstay has been condoned and, as a matter of fact, extension of 30 days' parole was granted in favour of the petitioner.
6. We have considered the submissions made by the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the pleadings in the

petition and the annexures thereto and the documents placed on record along with the petition.

7. Upon perusal of the documents placed on record, it appears that 30 days' period was extended on 13th April 2014. It means, that said period was regularized by the authorities. It appears that the Deputy Inspector General of Prisons, Aurangabad, has passed the impugned order on 11th May 2015, without taking into consideration the order passed by the Divisional Commissioner, Aurangabad, dated 13th April 2014, thereby regularizing 30 days' period of parole. In that view of the matter, the petition deserves to be allowed.

8. In the result, the petition is allowed.

Respondent no.2 i.e. Deputy Inspector General of Prisons, Aurangabad, is directed to review the order passed by him, dated 11th May 2015, and take appropriate decision in the matter, as expeditiously as possible, however, within two weeks from today, taking into consideration relevant Rules.

9. Rule made absolute in the above terms.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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