

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 998 OF 2015

VEDPRAKASH RAMA SAUDA
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Petitioner : Mr. A. P. Basarkar (Appointed)
APP for Respondent/State : Mr. B. L. Dhas.

CORAM : S.S. SHINDE & A.M. BADAR, JJ.
DATE : 27th AUGUST, 2015.

PER COURT:

1] Heard.

2] Rule. Rule made returnable forthwith by consent of parties.

3] The petitioner is a convict undergoing imprisonment in open jail at Paithan, Dist. Aurangabad. The petitioner applied for parole leave to the Deputy Inspector General of Police, Central Prison, Aurangabad, by letter dated 13th May, 2015, bearing No. 2250 of 2015, for the treatment of his mother for the period of 30 days. The respondent authorities have not decided the proposal within the stipulated period as prescribed under the Rules, hence this petition.

3] Learned counsel appearing for the petitioner submits that whenever the petitioner was released on parole/furlough in the past, he reported back in time. The fact that the petitioner is lodged in open jail, Paithan, indicates that the petitioner's conduct is otherwise good.

4] Learned APP submits that unless the formalities are completed, the application of the petitioner for release on furlough leave cannot be considered.

5] We have heard the learned counsel for the applicant, APP for the State, perused the pleadings in the petition and other documents placed on record. It appears that the reason stated in the application for parole is that petitioner's presence for treatment of his mother is required. When such ground is raised in the application, in our opinion, it was incumbent upon the concerned authority to decide the said application, within reasonable time.

6] The application is pending for more than 3 months and said inaction on the part of the authority cannot be countenanced. In the peculiar facts of his case, we direct the Deputy Inspector General of Prison, to take decision on the application of the petitioner for parole, as expeditiously as possible, however, on or before 7th September, 2015.

7] Rule is made absolute in above terms. Petition stands disposed of. Parties to act upon authenticated copy of this order. Learned APP undertakes to communicate this order to the office of the concerned authority, forthwith.

[A.M. BADAR]
JUDGE

[S.S. SHINDE]
JUDGE.