

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1168 OF 2015

Suresh s/o Nagorao Ingole,
(Accused in Open Jail) at Paithan,
Dist-Aurangabad.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through Superintendent of
Jail, Open Jail, Paithan,
Dist-Aurangabad,
- 2) The Divisional Commissioner,
Aurangabad.

...RESPONDENTS

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Mr. R.M. Sharma Advocate appointed for
Petitioner.

Mr. A.R. Borulkar, A.P.P. for Respondent.

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**CORAM: A.V. NIRGUDE AND
V.K. JADHAV, JJ.**

DATE : 26TH OCTOBER, 2015

ORDER :

1. Petitioner is a life convict undergoing imprisonment in Paithan Open Jail since 2002. On

6th January 2015, the Petitioner filed an application seeking Parole of 30/45 days as per the provisions of Rule 19 of the Prisons (Bombay Furlough and Parole) Rules, 1959. The reason for seeking Parole was, serious illness of the Petitioner's father.

2. As per procedure prescribed in Rule 22 of the said Rules, the District Superintendent of Police was under obligation to immediately make inquiry for ascertaining whether the ground mentioned in the application was genuine and should immediately submit his report to Respondent No.2, who was competent authority for recommending grant of Parole. The report was given on 7th May 2015. It is thus, clear that the report was not given immediately as contemplated by Rule 22 of the Rules.

3. The Petitioner alleged that the police, for extraneous reasons, purposely delayed the

report. No reply is filed on record to show reasons for delay. We are, therefore, inclined to believe the allegations of the Petitioner that the delay in submitting the report was for extraneous reasons. We therefore set aside the report. The Respondent No.2 shall get a fresh report immediately from police and decide the application within THREE WEEKS from today.

4. The Writ Petition stands disposed of accordingly.

[V.K. JADHAV, J.]

asb/OCT15

[A.V. NIRGUDE, J.]