

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

CRIMINAL WRIT PETITION NO. 1404 OF 2015

Sanjay Sitaram Dalvi,
Convict No. 4627,
Open District Prison, Paithan,
Aurangabad .. Petitioner

Versus

The State of Maharashtra .. Respondent

Shri A. R. Sayed, Advocate for the Petitioner. (Appointed)
Shri D. R. Kale, P. P. for the Respondent/State.

**CORAM : S. V. GANGAPURWALA
V. K. JADHAV, JJ.**

DATE : 17TH NOVEMBER, 2015.

PER COURT :

. This is an application received through Jail. Mr. A. R. Sayed, the learned counsel is appointed.

2. The learned counsel submits that, the petitioner was granted parole for 30 days. The condition of his wife was serious as such, filed an application for extension, which was also granted. The condition of wife did not improve. Second application was given for extension of parole which was not decided. The learned counsel submits that, the petitioner returned back to the prison on his own. There was no other

person to look after the treatment of the wife except the petitioner, as such, the petitioner be granted extension of parole and the said period be regularized.

3. Mr. Kale, the learned Assistant Public Prosecutor submits that, considering the request of the petitioner extension of parole was granted by the authority. But even he did not return back to the prison within the extended time. He returned back after 90 days. No plausible reason is given as such, show cause notice has been rightly issued to the petitioner.

4. We have considered the submissions canvassed by learned counsel for respective parties.

5. The application given by the petitioner for extension of parole was for second time and was not decided by the authorities. The authorities did not decide the same. The petitioner presented himself in the prison on his own. The application specifically states that, the condition of the wife was serious. Even he was granted parole by the authorities for the said purpose. Even one extension was granted considering the condition of his wife. However, the second application was not decided at all and by the end of the period of extension sought by the second application, the petitioner on his own returned to the prison.

6. Considering the reasons given and the certificate of the doctor, we are inclined to entertain the present petition. The authorities shall regularize the period of second extension sought by the petitioner and shall allow the application of the petitioner seeking second extension. The criminal writ petition accordingly disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/Nov. 15