

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1408 OF 2015

RAMBHAU TATYABA GEETE
VERSUS
THE STATE OF MAHARASHTRA

.....

Advocate for Petitioner : Mr. Afzal Husain M. Vakil (appointed)
APP for Respondent/State : Mr. A. S. Shinde

.....

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

DATED : 26th NOVEMBER, 2015

P.C. :-

1. Application is received through jail seeking extension of parole and regularization of his period for reporting late. Mr. Afzal Husain, learned counsel is appointed by the Legal services sub committee, Aurangabad. The learned counsel submits that in the year 2009, the present applicant was released on parole for 30 days on or about 09.07.2009. The petitioner had filed an application for extension of parole within time. The said application was rejected on 29.07.2009. However, the same was communicated to the petitioner only on 04.09.2009 and the petitioner reported to the prison on 05.09.2009. According to the learned counsel, as the petitioner was not communicated about rejection of his application for extension of parole within time, the petitioner could not appear within the period. On receipt of the order of rejection of the application, immediately,

the petitioner had reported to the prison. According to the learned counsel, such action is erroneous. The learned counsel relies on various orders passed by the Division Bench of this Court as annexed in the petition.

2. The learned APP submits that the petitioner is in habit of reporting late after end of the parole. On 09.07.2009, the petitioner was released on parole. The petitioner was supposed to report on laps of 30 days. However, he reported only on 05.09.2009. His application for extension of parole was rejected by order dated 29.07.2009. The learned APP submits that, subsequently, in the year 2011 also, the petitioner was released on parole. At that time also he reported 30 days late. Earlier to 2009 also, he reported late on many occasions.

3. We have considered the order passed by the authority rejecting his application for extension of parole. It has been observed in the said order that wife of the applicant was an out-door patient. The wife of applicant did not require any surgery. For 30 days he was given parole to attend his wife and as the illness was not major, the application was rejected and communicated immediately. It was for the applicant to remain present on lapse of period of his parole. It appears that on many occasions the petitioner

reported late after he was released on parole. Considering the aforesaid aspect of the matter, request of the petitioner now cannot be considered.

4. The Writ Petition stands disposed of. No costs.

5. We appreciate the able assistance rendered by Mr. Afzal Husain M. Vakil in conducting the matter and thus we quantify an amount of Rs. 2000/- (Rupees Two Thousand only) towards his legal fees and expenses, to be paid to him by the High Court Legal Services Sub Committee, Aurangabad.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

rlj/