

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

CRIMINAL WRIT PETITION NO. 1454 OF 2015

Dilip Dyanoba Gaware

.. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri A. R. Sayyed, Advocate for the Petitioner (Appointed).
Kum. R. P. Gaur, A. P. P. for Respondents.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.
DATE : 10TH DECEMBER, 2015.**

PER COURT :-

1. Leave to add party. Learned A. P. P. waives notice for the added party.
2. The application is received from the petitioner through Jail with request to allow the applications for extension of parole dated 29.05.2014 and 03.07.2014 and so also, set aside the order dated 06.08.2015 passed by the Superintendent of Open Prison, Paithan, thereby imposing penalty of reducing 300 days from remission of sentence.
3. Mr. Sayed, the learned counsel is appointed by the Court. He has been good enough to file the proper petition. The learned counsel submits that, initially the

petitioner was granted parole for a period of 30 days on 29.05.2014 the petitioner had filed first application for extension of parole alongwith documents i.e. Medical Certificates about illness of the mother, no decision was taken on the same. Subsequently, on 03.07.2014, second application was filed for extension of parole, on the said application also no decision has been taken. Without rendering any decision on the said application penalty is imposed upon the petitioner for over staying the parole in the shape of reducing 300 days of the remission from the sentence.

4. Learned A. P. P. on instructions submits that, the application with regard to the extension of parole of the petitioner are pending with the office of the Divisional Commissioner, Aurangabad.

5. The applications for extension of parole have not yet been decided and already decision is taken for reducing 300 days from the remission of sentence purportedly on the ground that, the petitioner has over stayed the parole. It would have been appropriate for the Authorities to wait till the applications for extension of parole are decided.

6. In light of the above, the order dated 06.08.2015, passed by the Superintendent of Open Prison, Paithan imposing the penalty of reducing 300 days from the remission of sentence is quashed and set aside. The Divisional Commissioner, Aurangabad, shall decide the

applications for extension of parole pending with it and as submitted by the petitioner expeditiously and upon decision of the Divisional Commissioner, Aurangabad on the said applications for extension of parole, the Superintendent of Open Prison shall take further decision regarding imposition of penalty in tune with the order of the Divisional Commissioner, Aurangabad on the applications for extension of parole filed by the Petitioner.

7. We quantify fees of Mr. A. R. Sayyed, Advocate as Rs. 2000/- (Rs. Two Thousand Only).

8. Criminal writ petition is accordingly disposed of.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

sam/Dec. 15