

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4842 OF 2014

Jalindersingh Ajitsingh Kalyani
(presently lodged in Kolhapur Central Prison) .. Petitioner

v/s.

The State of Maharashtra & Anr. ..Respondents

Ms. Farhana Shah for the petitioner
Mr. K.V. Saste, APP for the respondent State

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : 7th JANUARY, 2015.**

P.C.

1. Heard. The petitioner has filed this petition under Article 226 of the Constitution of India for his release on parole for about 20 days to attend the marriage of his son, which is scheduled to be held on 9th January, 2015.

2. Since the petitioner had approached this Court without filing any application before the competent authority, the petitioner was granted liberty to apply to the Divisional Commissioner for parole

with further direction to the Divisional Commissioner to dispose of the same expeditiously. Pursuant to the said order, the petitioner preferred an application before the Divisional Commissioner for parole on 26th December, 2014.

3. Mr. Saste, learned APP has tendered copy of the order dated 6th January, 2015 passed by the Divisional Commissioner, Pune Division, Pune. The same is taken on record. By the said order, the petitioner's application for parole is rejected *inter alia* on the ground that the petitioner had absconded when he was earlier released on parole and he was arrested 144 days after the expiry of parole.

4. The order dated 6th January, 2015 passed by the Divisional Commissioner, Pune rejecting petitioner's application for parole is appealable. Hence, we do not wish to go into the merits of the order. The petitioner is at liberty to challenge the same before the appellate authority.

5. The petitioner has annexed the marriage invitation card of his

son at Exh.A. The same discloses that petitioner's son Jackysingh is getting married on 9th January, 2015. Without going into the merits of the matter, purely on the humanitarian ground, we are inclined to allow the petitioner to attend the marriage of his son for one day i.e. on 9th January, 2015 with two police escorts. The petition is accordingly disposed of by passing following order.

ORDER

- (i) The petitioner is allowed to attend the marriage of his son Jackysingh, which is scheduled to be held on 9th January, 2015 for one day only, under two police escorts.
- (ii) The petitioner should be taken to the wedding venue at Pune on 9th January, 2015 and should brought back to the concerned Jail on the same day i.e. on 9th January, 2015 after the marriage ceremony.
- (iii) The petitioner shall bear the cost of two police escort, which is quantified at Rs.5,000/-. The cost shall be deposited with the jail

authority within a period of one week from 9th January, 2015.

(iv) Parties to act on copy of this order duly authenticated by the Court Associate of this Court.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)