

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL WRIT PETITION (CWP) NO. 155 OF 2015

(Naresh Ramchandra Sonekar vs. The Divisional Commissioner, Nagpur Division, Nagpur & Anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
JUNE 08, 2015.**

Heard Ms. Saikhede, learned counsel (appointed) for the petitioner and Mrs. Tripathi, learned APP for the respondents.

By the impugned order dated 05.01.2015, parole has been rejected on the ground that on three occasions, the petitioner had absconded and was required to be arrested.

According to Saikhede, learned counsel, the reason given is irrelevant insofar as parole is concerned. She submits that parole is to be viewed in the backdrop of emergency pointed out and here as Doctor's certificate pointing out need of treatment to ailing wife is not doubted, parole should be granted.

The learned APP is strongly opposing the release. She is relying upon the reply filed by Respondent No. 1 on 07.04.2015 and reply filed by Respondent No. 2 on 17.04.2015. Our attention is drawn to paragraphs 7 & 9 of the later reply. Para 7 shows that the petitioner was released on parole on 23.01.2009 and he was required to be arrested and brought back to prison after a period of about 96 days. On 01.03.2012, he was again released on parole and was required to be arrested after 181 days. Furlough

leave was given to him on 24.03.2011 and he was required to be brought back after arrest after a period of about 139 days. He is in jail since 2008. The question is whether after 2008 and till date he was released only on three occasions or in the reply, instances on which he was required to be arrested have been pointed out to this court.

A perusal of medical certificate issued by A.D.N. General Hospital, Nagpur, shows that it is dated 04.12.2014 and at that time wife of the petitioner was under treatment since 03.12.2014 for enteric fever with complications. She was advised rest for three weeks and hospitalization. Further certificate or reports, if any, are not on record.

In this situation, we find the material on record insufficient to reach any definite conclusion. We, therefore, grant the petitioner liberty to move appropriate application afresh in accordance with law with appropriate Doctor's certificate. If such an application is moved within a period of four weeks from today, the competent authority shall look into it within a period of four weeks.

Leaving all rival contentions open and with liberty to the petitioner to move appropriate application as above, we dispose of the present petition.

The fee of learned counsel appointed for the petitioner is quantified at Rs.1,500/- (Rs. One thousand and five hundred only).

JUDGE

JUDGE