

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.344 of 2015

(Janrao Khushalrao Bhute

vs.

The Divisional Commissioner, Amravati Division, Amravati and another)

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

Court's or Judge's Orders

Ms. S.P. Dhotre, Advocate appointed for the Petitioner.
 Ms. N.P. Mehta, A.P.P. for the Respondents.

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATE : JUNE 17, 2015.

The petitioner seeks extension of his parole till the date of his surrender i.e. 30th September, 2013.

During hearing, we find that he was released for marriage of his daughter on 31/05/2013 on parole. He was expected to report after 30 days i.e. by end of June, 2013. However, he sought extension of one more month on 11/06/2013 pointing out ill-health of his son. The period for which extension was sought expired at the end of July, 2013. He, therefore, moved another application on 29/07/2013 and sought second extension. The first application dated 11/06/2013 was rejected on 08/08/2013. The second application dated 29/07/2013 was rejected on 25/09/2013.

Period of second extension also expired on 30th of August, 2013. Petitioner does not appear to have sought any further extension thereafter. However, giving reason that his son was cured on 30th September, 2013, he has reported back. He has produced before the Court certificates issued by Doctor, which mentions anemia, general debility etc. Son is aged about 18 years.

The petitioner before this Court asserts that on most of the occasions, when he was released either on furlough or parole, he has surrendered within time voluntarily. He has also mentioned reasons like flood, storm, consequential damage to his residential house etc. to justify late surrender.

Orders by which extension was rejected are not produced on record by the parties. The order of State Government dated 30th September, 2014 on appeal moved by the petitioner is made available. In it, it is mentioned that on all earlier occasions, whenever he was released either on furlough or parole, he has reported late. Thus, the earlier instances are not mentioned.

Thus, there is inconsistency in the stand of petitioner and respondents. Affidavit filed on record on behalf of respondents does not clearly explain all the facts. Extension was not rejected before expiry of the parole for which it was sought for.

In this situation, without observing anything on merit, we direct the respondents to reconsider the applications seeking extension moved by petitioner in accordance with law at the earliest.

The writ petition is partly allowed. Counsel charges are settled at Rs.1,500/-.

JUDGE

JUDGE

*sdw