

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

CRIMINAL WRIT PETITION (wp) No. 756 OF 2015

Ziaulla Khan s/o Jakulla Khan

v.

The Div. Commr., Amravati, & anr.

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

Courts's or Judge's orders

**Coram : B.P .Dharmadhikari and
V.M.Deshpande, JJ.**

Date : 10th DECEMBER, 2015

Heard for some time. The petitioner was released on parole for a period of 30 days on 22.4.2015 and was, therefore, supposed to surrender by 23.5.2015. He sought extension on 15.5.2015 and submitted a Doctor's certificate dated 9.5.2015. That application remained pending. In the meanwhile, he moved second application for further extension on 10.7.2015. The second extension was to expire on 23.7.2015. Petitioner claims that he reported back in jail on 22.7.2015.

Advocate Badar submits that had these two extensions been granted, the reporting back date 22.7.2015 would not have created any controversy. The application for extension firstly moved on 15.5.2015 was rejected on 4.7.2015 and later application was rejected on 23.7.2015. He contends that the applications for

extensions was accompanied by the medical certificates issued by the Doctors showing serious illness of mother of petitioner.

Learned APP submits that upon verification police authorities found that the certificate dated 9.5.2015 is not issued by Dr.Wankar. Dr. D.B. Shende has given certificate but refused to certify whether the illness of mother of petitioner was serious or not.

In the light of this, we have perused the certificates. The certificates are issued by the Medical Officers working at General Hospital, Amravati, i.e. by Government servants. We are not in a position to correlate the signatures of either Dr.Shende or Dr.Wankar with signatures on those certificates. The first certificate dated 6.7.2015 carries entirely different signature.

In this situation, various questions arise. We are not inclined to go into the same. However, we direct the respondents to carry out proper verification in relation to certificates dated 21.9.2015, 9.5.2015 and 6.7.2015. Police authorities will find out the Doctors who have issued those certificates, record their statements in relation to the certificates issued and thereafter pass fresh orders on the applications for extension submitted by the petitioner.

The Doctors who are issuing such certificates, whether they are Government servants or not, must realise the purpose for which the certificates may be used, i.e.to obtain parole. If such certificates are issued casually and the prisoners, after release

misuse their liberty, the society at large has to suffer. The State Government shall, therefore, issue general orders to all its medical officers asking them to specifically mention in their certificates that it is being issued to be used by the prisoner. However, we keep this issue open for its due consideration.

Only to enable the authorities to pass fresh orders, we quash and set aside the impugned orders dated 4.7.2015 and 23.7.2015. Fresh orders shall be passed within a period of three months from today. Writ petition is partly allowed and disposed of. No costs.

JUDGE

JUDGE

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