

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

CRIMINAL WRIT PETITION NO. 784 OF 2015

(Gajanan Ganpat Zalte vs. The Divisional Commissioner, Amravati Division, Amravati & 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 &
V.M. DESHPANDE, JJ.
NOVEMBER 30, 2015.**

Heard Mrs. Nisha Gajbhiye (Wasnik)
(appointed), learned counsel for the petitioner and Mrs.
Nandita Tripathi, learned APP for the respondents.

Parole leave sought by the petitioner on the
ground of illness of his wife was granted on 10.11.2014
for a period of one month and the order records
satisfaction that her illness was serious.

As per Rule 25 of the Prison (Bombay
Furlough and Parole) Rules, 1959, the petitioner
applied within time for extension. He also furnished
certificates issued by Doctor and sought extension of 30
days. That application has been rejected on 30.01.2015.
The reasons given are there were no documents about
treatment given to his wife by the Doctor and the
documents did not reveal any serious ailment.

After hearing respective counsel, we find
that the impugned order itself mentions certificate
issued by the competent Medical Officer dated
08.12.2014. Earlier similar certificate has been
accepted and leave has been sanctioned. The finding
that the ailment appears to be not serious, therefore, is
unsustainable.

In any case, denial has come after a period of extension i.e. on 30.01.2015. It is not the case of the respondents that the petitioner was absconding or misused leave facility given to him. In the present facts, we grant extension of 30 days as prayed for. The order dated 30.01.2015 is quashed and set aside. The petitioner is given extension of 30 days beyond 10.12.2014.

Writ Petition is thus partly allowed and disposed of.

The charges for the counsel appointed for the petitioner are quantified at Rs.1,500/-.

JUDGE

JUDGE

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