

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

CRIMINAL WRIT PETITION NO. 821 OF 2015

(Abdul Razique Abdul Nabi Sheikh Vs. Divisional Commissioner, Nagpur & another)

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

Court's or Judge's orders

Shri Mir Nagman Ali, Advocate for the applicant.
A.P.P. for respondents-the State.

**CORAM : B. P. DHARMADHIKARI AND
V. M. DESHPANDE, JJ.
DATED : 27 NOVEMBER, 2015**

Heard Mr. Ali, learned Counsel for the
applicant and learned A.P.P. for the non-applicants.
Perused the reply.

It is an admitted fact that on earlier occasion,
the petitioner reported late by 82 days after the expiry of
his leave. The prosecution submits that for that omission,
an offence under Section 224 of the Indian Penal Code
has been registered.

Advocate Shri Ali submits that the petitioner
surrendered voluntarily but late by 82 days. He submits
that the petitioner has still not challenged the FIR in that
matter.

Parole has been sought on the ground that
father of the petitioner is suffering from tuberculosis.

The medical certificate has not been produced on record. However, police report shows that only reason for not recommending leave is his earlier abscondance.

During hearing, we find that the petitioner has got an elder brother and also a mother. His father is undergoing treatment with a private medical practitioner at Gadchandur for tuberculosis. The present status of his health is not clear. The application for grant of parole was moved on 18/5/2015, i.e. more than six months back.

Hence, keeping all rival contentions open, we grant the petitioner leave to move appropriate application afresh, in accordance with law. With this leave, writ petition is disposed of. No costs.

JUDGE

JUDGE