

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

CRIMINAL WRIT PETITION (CWP) NO. 827 OF 2015

(Sakhawat Hussain Abdul Sattar vs. State of Maharashtra thr. Divisional Commissioner, Central Prison, 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 21, 2015.**

Heard Ms. S.B. Khobragade, Advocate holding for Shri Chande, learned counsel for the petitioner and Shri Bhoyar, learned APP for the respondents.

The petitioner is claiming release on parole. According to him, the deceased is his mother-in-law and, therefore, he wish to attend the obsequies of his mother-in-law. The learned counsel submitted that the authorities below have erroneously rejected the application for parole.

The learned APP has invited our attention to the reply filed on behalf of the Superintendent of Jail, Central Prison, Amravati. It is submitted that at no point of time the petitioner had moved any application before the prison authorities for death parole leave. Further the reply shows that in the year 1998 when the petitioner was released on furlough, he did not report after the expiry of furlough leave. He was absconding for 1185 days and he was required to be arrested and brought back to prison. Again in the year 2002 when

the petitioner was released on parole on 10.07.2002, on that occasion also, he was absconding for 2943 days and he was required to be arrested and brought back to prison on 16.08.2010.

With this, in our view, the petitioner is not entitled for release on parole. Hence, the petition is rejected. However, it is made clear that if any application for parole on the ground of death is moved before the authority, the authority below should decide the said application in accordance with law.

Writ Petition is disposed of accordingly.

JUDGE

JUDGE

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