

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

CRIMINAL WRIT PETITION NO.901 OF 2015

Shivaji Rambhau Khurade

..vs..

The Divisional Commissioner, Nagpur Division, Nagpur and anr

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

Court's or Judge's Order

**Shri K.S. Khandare, counsel for the petitioner (appointed).
Mrs. Nandita Tripathi, Addl.P.P. for the State.**

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.**

DATED : DECEMBER 22, 2015.

Heard learned counsel appointed for the
petitioner Shri K.S. Khandare, learned Additional Public
Prosecutor for the State Mrs. Nandita Tripathi, and
perused the papers.

On the ground of illness of the wife of the
petitioner, the petitioner was released on parole and he
has sought further extension. That extension was
initially allowed for a period of one month and second
extension was rejected vide order dated 18.6.2015. The
petitioner reported back. He was late by 15 days. For
late reporting, a show cause notice was issued and the
petitioner has submitted his reply to it. Along with

.....2/-

reply, he has given certain documents. According to the petitioner, those documents show the treatment of his wife during the extended period.

Learned Additional Public Prosecutor for the State submits that along with application, seeking extension, documents were not filed.

In view of the fact that a show cause notice has been issued and prison punishment is under consideration, we find that interest of justice can be met with by directing the respondents to consider the representation given by the petitioner to show cause notice. If they are satisfied with the explanation, it is apparent that the petitioner may be entitled to extension of his parole leave. The order dated 18.6.2015 in that event shall not operate to his prejudice.

Hence, we direct the respondents to take appropriate decision on show cause notice dated 4.7.2015 in the light of facts on record. It is clarified that order dated 18.6.2015 shall not come in the way of the respondents while undertaking said exercise. It is also open to the respondents to allow second extension if they are convinced with the explanation furnished by the petitioner.

The writ petition is, thus, partly allowed

and disposed of.

Fees of learned counsel appointed for the petitioner are fixed at Rs.1,500/-.

JUDGE

JUDGE

!! BRW !!

...../-