

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 41306 of 2014

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Date of Judgment: 29.1.2015

Between:

Mohd. Irfan Ali

...Petitioner

And

The State of Telangana and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 41306 of 2014

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ORDER:

The petitioner herein is a convict prisoner and it is stated that he has completed sentence of imprisonment for a period of 17 years including remand and remission and he made a request for release on parole on the ground of serious illness of his wife. His request was favourably considered and he was released on parole for a period of one month from 13.6.2014 with a condition to surrender himself on 14.7.2014. The petitioner thereafter

sought extension of four months in view of the chronic illness of his wife and since no orders were passed by the first respondent, he approached this Court by filing WP No. 19080 of 2014 which was disposed of on 11.7.2014 granting extension of parole till 31.8.2014. Thereafter there is a series of writ petitions and writ appeals and all of them were noticed by this Court while disposing of his last writ petition i.e., W.P.No. 33640 of 2014 dated 5.12.2014 and in pursuance of the directions given in the said writ petition, the present impugned order was passed by the first respondent rejecting the request of the petitioner for extension of parole vide G.O.Rt. No. 537, Home (Legal) Department, dated 29.12.2014 which is questioned in the present writ petition.

On 31.12.2014 this Court granted an interim order extending the parole till 31.1.2015 and thereafter this writ petition was coming up for hearing. I have heard Mrs. S. Nanda, learned counsel for the petitioner and learned Government Pleader for Home appearing for the respondents.

The present request of the petitioner is that his wife was advised to undergo eye operation and for that, he requested extension of further two months of parole from 1.1.2015 as per his latest representation, dated 20.12.2014. I am, however, unable to see any bona fides

in the said request, inasmuch as his earlier parole was extended on the ground that his daughter's marriage was fixed on 26.12.2014 and as such wanted extension of parole for further period of three months. All the said requests were considered by the first respondent as well as by this Court in various writ petitions and writ appeals and having shown substantial indulgence to the petitioner his parole was extended for more than aggregate period of six months and now granting any further extension of parole would amount to misplaced sympathy for the petitioner. Under Rule 17 of the Suspension of Sentence on Parole Rules, 1981 relating to release on parole of convict prisoners, it is specifically stated that extension of parole can be granted only in exceptional circumstances and by the impugned order the extension of parole sought for by the petitioner was rejected by the first respondent. I also do not find any exceptional circumstances so as to grant extension of parole.

Hence the writ petition is dismissed along with miscellaneous applications, if any. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 29.1.2015
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