

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.20488 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“To issue a Writ order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering application of the petitioner dt.02-07-2015 for extension of parole period as arbitrary, illegal, violative of principles of natural justice apart from violative of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents to extend the period of parole of the petitioner i.e. Oruganti Srinu C.T.No.3459, S/o Jangaiah, Aged 41 years, R/o H.No.1-190/02, Ambedkar Nagar, Miyapur, Serilingampalli Mandal, Ranga Reddy District for a period of three months i.e. from 09-07-2015 to 09-10-2015.”

2. Heard Sri Oruganti Srinu, party-in-person and the learned Government Pleader for Home apart from perusing the material before the Court.

3. Petitioner herein is a life convict prisoner undergoing imprisonment vide C.T.No.3459. He was found guilty of charges under Section 302 I.P.C and was sentenced to undergo imprisonment by the judgment dated 01.07.2014 passed by the learned Principal Sessions Judge, Ranga Reddy District in S.C.No.497 of 2003. According to the petitioner, as against the said conviction, he preferred Criminal Appeal No.1490 of 2014 before this Court and the same is pending adjudication.

4. Earlier, by way of G.O.Rt.No.490 Home (Legal) Department, dated 30.05.2015, the State Government granted parole to the petitioner herein for a period of 30 days, indicating therein the date of

surrender as 09.07.2015. According to the petitioner, his father is aged 71 years and has been suffering from renal disorder and the Doctors at Image Hospital found the right kidney extended by its normal size due to increase of pelvis calyceal in kidney. It is also pleaded in the writ affidavit that the surgery is required but as per the current observation and plasma glucose report, it is highly risky to operate before the plasma glucose level drops to normal level. It is also stated that the surgery to be performed is rescheduled to next month.

5. It is also averred in the writ affidavit that the petitioner is the only son to his parents and there is no other person to look after his aged ailing father and the responsibility of getting surgery to his father done is heavily cast upon him. It is also stated that the Member of Legislative Assembly, Karwan Constituency recommended for extension of parole of the petitioner for a period of three months, but no action has been initiated so far.

6. The petitioner herein in the above background, submitted a representation dated 02.07.2015 to the first respondent-State requesting for extension of parole period for a period of three months so as to enable him to get operation of his father conducted and to surrender within the said time.

7. This Court directed the learned Government Pleader to ascertain as to whether any decision is taken on the representation dated 02.07.2015. Today, when the matter is called, it is reported by the learned Government Pleader on instructions that no decision on the representation of the petitioner has been taken so far.

8. Since the representation dated 02.07.2015 said to have been filed by the petitioner is pending consideration before the first respondent herein, this Court, taking into consideration the facts and circumstances of the case, deems it appropriate to dispose of the present writ petition by making certain interim arrangement.

9. For the aforesaid reasons and having regard to the nature of controversy, the writ petition is disposed of, directing the first respondent State to take a decision on the representation dated 02.07.2015 submitted by the petitioner herein for extension of parole as expeditiously as possible, preferably, within a period of two weeks from the date of receipt of this order, as per law. Till such decision is taken, the parole granted earlier in favour of the petitioner herein by virtue of G.O.Rt.No.490 Home (Legal) Department dated 30.05.2015 stands extended. Till the Government takes decision as indicated *supra*, the petitioner herein shall appear every day at 10.30 A.M before the Station House Officer, Miyapur Police Station and mark his presence. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:08.07.2015
grk

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Dated 08th July, 2015
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Dated 08th July, 2015

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Between:

Oruganti Srinu C.T.No.3459.

... Petitioner

and

The State of Telangana,
Represented by its Principal Secretry,
Home (Prison) Department,
Secretariat, Hyderabad and another. .

... Respondents