

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

W.P.No.23662 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, with 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 the application of Petitioner for extension of parole for a period of two months 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. Sk. Umar @ Babu, Convict No. 7529, S/o. Yaseen Miya (Late), aged about 40 years, R/o. Thimapur (V), Bhainsa (M), District Adilabad for a further period of two months as my mother is suffering from kidney ailment, pending disposal of the above Writ Petition”.

2. The petitioner herein is a life convict prisoner undergoing life imprisonment vide Convict No.7529 and lodged in Central Jail, Nizamabad for the last (7) years. The Court of III Additional District and Sessions Judge, Nizamabad vide judgment dated 30.4.2010 in S.C.No.66 of 2009 convicted the petitioner herein for the offences punishable under Sections 302 and 201 of IPC and sentenced to undergo life imprisonment and a fine of Rs.500/-. Aggrieved by the said order of conviction, the petitioner herein filed Appeal No.777 of 2010 before this Court.

3. Previously, vide G.O.Rt.No.334 Home (Legal) Department dated 23.4.2015 the State Government granted Parole in favour of the petitioner herein and the petitioner herein pursuant to the said order of Parole was released on 1.7.2015 and the date of surrender to the jail is 1.8.2015 before 10.00 a.m.

5. According to the petitioner, he submitted a representation dated 14.7.2015 to the State Government, requesting for extension of Parole

period by sixty (60) days while stating that his mother is suffering from serious illness and was admitted in Area Hospital, Nizamabad and her health condition is serious and she needs some special care and she is living disastrous life and in need of petitioner. It is submitted by the party-in-person that no action has been taken on the said representation dated 14.7.2015 submitted by the petitioner herein by the State Government.

6. This Court asked the learned Government Pleader to get instructions as to whether the said representation is still pending before the State Government. The learned Government Pleader, on instructions, submitted that the representation dated 14.7.2015 submitted by the petitioner is still pending consideration before the State Government and no orders have been passed on the same.

7. It is stated in the affidavit filed in support of the writ petition that the petitioner's mother Smt.Ahmadi Begum is suffering from Kidney ailment and her health is deteriorating day by day, as such, the presence of the petitioner is very much essential to care of her. It is also the case of the petitioner that he is not financially sound.

8. Along with the writ petition, the petitioner herein filed Medical Certificate dated 6.7.2015 issued by the Medical Officer, Urban Health Centre, Nizamabad and the medical prescriptions issued by the Doctors to show the illness of his mother.

9. Taking into consideration the totality of the circumstances and the material available on record, this Court deems it appropriate to direct the 1st respondent-State Government to pass appropriate orders on the representation dated 14.7.2015 filed by the petitioner herein for extension of Parole by fixing some time.

10. For the aforesaid reasons, the writ petition is disposed of, directing the 1st respondent-State Government to pass appropriate orders on the representation of the petitioner dated 14.7.2015 within a period of one

week from the date of receipt of this order. Till such decision is taken by the 1st respondent herein, the Parole granted in favour of the petitioner vide G.O.Rt.No.334 Home (Legal) Department dated 23.4.2015 stands extended. It is also made clear that during the said period, the petitioner herein shall attend before the Station House Officer, Kuntala Police Station, Adilabad district, on every day between 10.30 and 11.30 a.m. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 31.7.2015

Note:

Registry to dispatch the order today
and to give copy to the party-in-person

B/o

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

W.P.No.23662 of 2015

31.7.2015

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

W.P.No.23662 of 2015

Between:

Sk.Umar @ Babu, S/o Yaseen Miya (late)
Convict No.7529

.. Petitioner

And

State of Telangana, rep. by its Principal Secretary,
Home (Prison) Department, Secretariat,
Hyderabad and another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 31.7.2015

SUBMITTED FOR APPROVAL

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

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| 1. | Whether the Reporters of Local Newspapers may be allowed to see the judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether their Ladyship/Lordship wish to see the fair copy of the judgment? | Yes/No |