

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

WRIT PETITION NO.14860 OF 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India challenging the inaction on the part of the respondents in considering the representation of the husband of the petitioner namely Dowlaut Khan (Convict petitioner No.7110) for grant of parole.

2. Heard Mrs.S.Nanda, learned counsel appearing for the petitioner and the learned Government Pleader for Home. Perused the material available on record placed before the Court.

3. According to the petitioner, her husband Dowlaut Khan is a convict prisoner 7110 and now lodged in Central Prison, Cherlapally and has been serving the sentence of life imprisonment as per the conviction and sentence, dated 15-03-1985 in S.C.No.20 of 1984 on the file of the 1st Additional Metropolitan Sessions Judge, Hyderabad. Husband of the petitioner submitted a representation to the 1st respondent for grant of parole for 30 days on the ground of ill health of the petitioner herein. The Superintendent, Central Prison, Cherlapally, Ranga Reddy District, vide letter, dated 19-03-2013 called for report/opinion from the Commissioner of Police, Cyberabad, Hyderabad-3rd respondent herein. It is stated in the affidavit filed in support of the writ petition that subsequent to the said letter, no action has been taken by the respondents herein in the direction of redressing the grievance. It is further stated that the petitioner is suffering from hypertension/acid peptic diseases. It is further stated in the affidavit that earlier when the husband of the petitioner was in central prison, Rajamundry, he complained of chest pain and he was referred to and admitted in Government General Hospital, Kakinada and received treatment as inpatient in the said hospital during the period from 19-02-2011 to 25-02-2011 and basing on the clinical report, he was referred to Nizam Institute of Medical Sciences at Hyderabad on 14-03-2011 and he was admitted in the hospital and treated till 14-04-2011.

4. The 2nd respondent filed counter-affidavit stating that the husband of the petitioner was released earlier for 14 days furlough on 12-

08-1989 and he over-stayed for 5282 days i.e., more than 14 years and also escaped from the hospital during the year 2004 and the same would tantamount to disobedience and disrespect and violation of the court orders. It is further stated in the counter-affidavit that there are absolutely no grounds for showing any leniency or mercy on the prisoner in the present case. It is also stated in the counter-affidavit that the Commissioner of Police, vide letter Lr.C.No.118/1494/C3-Parole/Cyb/2013, dated 12-08-2013 stated that the S.H.O. Pashadishareef, P.S. enquired and submitted his specific remarks and basing on which, the Commissioner of Police, Hyderabad sent a report. A copy of the report sent by the Commissioner of Police, Hyderabad, dated

12-08-2013 is also enclosed to the counter-affidavit, wherein the Commissioner of police did not recommend the case of the husband of the petitioner for release on parole.

5. There is absolutely no dispute with regard to the reality that no communication has been sent to the petitioner or her husband on the parole application submitted. It is also clear that no further action has been taken pursuant to the report sent by the Commissioner of Police, Hyderabad. In view of the same, this Court deems it appropriate to direct the respondents herein to take appropriate action on the representation of the husband of the petitioner for grant of parole.

6. For the aforesaid reasons, the writ petition is disposed of directing the respondents to pass appropriate orders on the parole application said to have been submitted by the husband of the petitioner within 3 weeks from the date of receipt of a copy of this order. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.V.SESHA SAI, J

DATED: 27-10-2015

Hsd