

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

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WRIT PETITION No.32168 OF 2015

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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 for extension of parole period for a period of six 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. Mohd. Irfan Ali, Convict No 3266, S/o. Late Mohammed Ashraf Ali, Aged about 56 years, R/o. H. No. 11-2-463, Habeeb Nagar, Nampally, Hyderabad - T.S. for a further period of six months as my wife, Smt. Mujeebunnisa Begum is suffering from cancer and diabetes and my daughter's marriage is fixed on 29-09-2015, pending disposal of the Writ Petition and to pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case and interest of justice

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2. Heard Sri Mohd. Irfan Ali, Party-in-Person and learned Government Pleader for Home appearing for the respondents.

3. Petitioner is a life convict prisoner undergoing imprisonment for life, vide Convict No.3266 and lodged in Central Prison, Cherlapally, Ranga Reddy District. According to the petitioner, he is a former employee of Revenue Department in the erstwhile Andhra Pradesh Secretariat, Hyderabad. Court of the IV Additional Sessions Judge, Nampally, Hyderabad, convicted the petitioner herein and sentenced him to undergo life imprisonment vide Sc.No.112 of 1997. As against the said conviction, petitioner herein preferred Criminal Appeal No.149/2003 before this Court and the said Appeal ended in dismissal on 17.10.2003. Earlier, the State Government vide G.O.Rt.No.711, Home (Parole) Department, dated 27.08.2015,

granted Parole in favour of the petitioner herein for a period of 30 days fixing the date of expiry of the said period as 05.10.2015.

4. According to the petitioner, he submitted a representation dated 24.09.2015 to the State Government, requesting extension of Parole for a period of six months from 05.10.2015 on medical grounds of his wife. The grievance of the petitioner in the present writ petition is that no orders have been passed in the said representation dated 24.09.2015. Taking into consideration the totality of the circumstances, this court is of the considered opinion that ends of justice would be met, if a direction is given to the 1st respondent – State Government to pass appropriate orders on the representation dated 24.09.2015 by fixing some time frame while making some interim arrangement pending such decision.

5. For the aforesaid reasons, writ petition is disposed of, directing the 1st respondent – State Government to take appropriate action on the representation dated 24.09.2015 said to have been submitted by the petitioner herein and pass appropriate orders within a period of one month from the date of receipt of this order. Till orders are passed on the said representation dated 24.09.2015, the Parole granted to the petitioner herein earlier vide G.O.Rt.No.711, Home (Parole) Department, dated 27.08.2015 stands extended. It is also made clear that the petitioner herein shall report before Habeebnagar Police Station everyday in between

10.30 am to 11.30 am.

6. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

05th October, 2015

SS

Note: issue cc immediately

B/o. SS