

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

WRIT PETITION No.26504 of 2015

ORDER:

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

“to issue writ of Mandamus to declare the action of the respondents in not considering application of the petitioner 12.08.2015 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. Dasari Murali Convict No.3638 S/o Muthenna Aged about 29 years, Hindu R/o Kukunoor Village, Velpoor Mandal, Nizambad District, for a further period of two months as the father of the petitioner is suffering from Chronic Hypertension disease and his condition is critical.”

Heard party-in-person and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

The petitioner herein is a life convict prisoner undergoing imprisonment for life vide convict No.3638 and lodged in Central Prison, Cherlapalli, Ranga Reddy District for the last 6 years including remand and remission. The Court of Prl. Sessions Judge, Nizamabad found the petitioner guilty of the charges under Sections 302 and 307 r/w.34 I.P.C. in S.C.No.42 of 2010. Against the judgment in S.C.No.42 of 2010, dated 04-10-2010 the petitioner herein filed Criminal Appeal No.1294 of 2010 and according to the petitioner, the same is pending. It is further pleaded in the writ affidavit that the petitioner has completed approximately six years of imprisonment including remand period and remission.

It is clear from the material available before this Court that earlier the State Government vide G.O.Rt.No.539, Home (Legal) Department, dated 16-06-2015 granted parole in favour of the petitioner herein for a period of thirty (30) days from 21-07-2015 indicating the date of surrender as 21-08-2015 i.e., today.

According to the petitioner, he submitted a representation, dated 12-08-2015 to the 1st respondent herein requesting extension of the said parole period. A copy of the said representation, dated 12-08-2015 is placed on record along with the writ petition as material paper, wherein the petitioner herein has stated that his father health condition is not well and he is suffering from chronic hypertension and old age ailments. It is further pleaded that the said application is still pending consideration before the 1st respondent herein.

Since the application for extension of parole is pending consideration before the 1st respondent this Court deems it appropriate to dispose of the present writ petition by directing the 1st respondent herein to pass appropriate orders on the said representation, dated 12-08-2015 said to have been submitted by the petitioner herein for extension of parole period by fixing some time frame.

For the aforesaid reasons, the writ petition is disposed of, directing the 1st respondent – State Government to pass appropriate orders on the representation, dated 12-08-2015 said to have been submitted by the petitioner herein for extension of parole granted vide G.O.Rt.No.539, Home (Legal) Department, dated 16-06-2015 within a period of two (2) weeks from the date of

receipt of a copy of this order. Pending consideration of the said application, a parole granted earlier vide G.O.Rt.No.539, Home (Legal) Department, dated 16-06-2015 stands extended. It is also made clear that the petitioner herein shall appear before the Station House Officer, Velpur Police Station, Velpur mandal, Nizamabad District every day between 10.30 A.M. and 11.30 A.M.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

A.V. SESA SAI, J

August 21, 2015

Pn

-

-

-

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

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

WRIT PETITION No.26504 of 2015

-

August 21, 2015

Pn