

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No. 14827 OF 2015

ORDER:

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The second petitioner, who is convict No.3266, is undergoing sentence as per order of the IV Additional Metropolitan Sessions Judge, Hyderabad in SC No.112 of 1997, who has so far been released on parole on four different occasions since 2010. For the last time, parole was granted to him on 13.06.2014 and the same was extended upto 31.01.2015 by this Court vide order dated 21.12.2014 in W.P.No.41306 of 2014. The second petitioner sought for grant of special parole vide his application dated 10.05.2015, received by the competent authority on 21.05.2015. Questioning their alleged inaction, the present writ petition is filed.

2. Learned Government Pleader has received instructions and he points out that under G.O.Ms.No.647, Home (Prisons-C) Department, dated 03.12.1981, at least six months period should elapse from the date of surrender by the convict from parole for grant of fresh parole. Since the second petitioner has applied hardly after three months of his last surrender, his application cannot be considered under the aforesaid G.O.

3. Evidently, the second petitioner made an application dated 10.05.2015 and the date of his last surrender is 01.02.2015. It is clear that the second petitioner made an application before lapse of six months from the date of his surrender. Hence, there is no inaction as alleged on the part of the respondents.

4. Consequently, no relief can be granted to the second petitioner and the present writ petition cannot be entertained. However, the second petitioner is at liberty to apply for parole afresh after fulfilling the requirements of the aforesaid G.O.

5. Accordingly, the Writ Petition is disposed of. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed. No order as to costs.

VILAS V. AFZULPURKAR, J

Date: 28.05.2015

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