

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

WRIT PETITION No.25826 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 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. Akthar Khan, Convict No. 3809, S/o. Sardar Khan, aged about 55 years, Rio. Osmanpura, Chaderghat, Hyderabad District for a further period of two months as my wife is suffering from Renal Colic Fever, pending disposal of the above writ petition.”

Heard Sri Akthar Khan, learned counsel for the petitioner 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.3809 and lodged in Prisoners' Agricultural Colony, Cherlapalli, for the last 17 years including remand and remission pursuant to the judgment in S.C.No.112 of 1997, dated 24-01-2003 passed by the Court of IV Addl. Metropolitan Magistrate at Nampally, Hyderabad. According to the petitioner, he preferred appeal before this Court and the said conviction was also confirmed in the appeal by this Court. Earlier by virtue of the orders passed vide G.O.Rt.No.612, Home (Legal) Department, dated 16-07-2015 the State Government granted parole in favour of the petitioner herein for a period of 30 days, fixing the date of surrender as 17-08-2015 i.e., today.

According to the petitioner, he submitted a representation, dated 07-08-2015 on the ground of ill-health to his wife to the 1st respondent – State Government requesting extension of parole for a further period of two (2) months. It is further submitted in the affidavit filed in support of the writ petition that the petitioner's wife, Smt.Husna Begum is suffering from Renal Colic Fever and her health condition is getting deteriorated, as such, presence of the petitioner is essential to provide her better care. It is also submitted that the petitioner herein is not financially sound and he needs to borrow hand loans from his kith and kin to keep alive his wife for some more years. It is also submitted by the learned counsel that the Superintendent of Jail, recommended to the Superintendent of Police, Hyderabad District, Deputy Commissioner of Police (South Zone), Hyderabad District, Police Station Dabeerpua and the District Probation Officer, Hyderabad District for release of the petitioner on parole and pursuant to which only earlier the Government passed the orders vide G.O.Rt.No.612, Home (Legal) Department, dated 16-07-2015. It is further submitted that the representation, dated 07-08-2015 submitted by the petitioner herein before the 1st respondent herein is still pending consideration.

Taking into consideration the nature of controversy, this Court is of the opinion that the ends of justice would be met if the 1st respondent is directed to pass appropriate orders on the representation, dated 07-08-2015 submitted by the petitioner herein for extension of parole by fixing some time frame.

For the aforesaid reasons, the writ petition is disposed of, directing the 1st respondent herein to pass appropriate orders on

the representation, dated 07-08-2015 submitted by the petitioner herein for extension of parole period within a period of two (2) weeks from the date of receipt of a copy of this order. Till a decision is taken by the 1st respondent herein on the said application the parole period granted earlier by virtue of G.O.Rt.No.612, Home (Legal) Department, dated 16-07-2015 stands extended. The petitioner herein shall appear before the Station House Officer, Dabeerpura Police Station every day between 10.30 A.M. and 11.00 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. SETHA SAI, J

August 17, 2015

Pn

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

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WRIT PETITION No.25826 of 2015

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

WRIT PETITION No.25826 of 2015

Date: 17th August, 2015

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Between:

Akthar Khan,
Convict No.3809,
S/o. Sardar Khan,
Aged about 55 years,
R/o. Osmanpura, Chaderghat,
Hyderabad District.

... Petitioner

and

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

... Respondents

DATE OF JUDGMENT PRONOUNCED: 17th August, 2015

SUBMITTED FOR APPROVAL: 17th August, 2015

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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

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| 1. Whether Reporters of Local Newspapers
May be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
Marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Lordship wish to see the
Fair copy of the judgment? | Yes/No |