

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.38944 of 2015

ORDER:

The grievance of the petitioner/party-in-person is that the State of Telangana rejected his request for extension of parole under the impugned Memo dated 13.08.2015 without disclosing any reasons therefor.

Reliance is placed on the judgment rendered by this Court in **Mohd. Irfan Ali, Convict No.3266 v. State of Telangana** in this regard. This Court, while dealing with a similar rejection for extension of parole, opined that the State was required to pass a reasoned order while refusing the request of a convict for extension of his parole. This was reiterated again in the unreported decision dated 09.11.2015 in W.P.No.36591 of 2015. Despite this Court holding time and again that the State is required by law to record reasons while rejecting requests for extension of parole, the impugned Memo dated 13.08.2015 reflects that the Principal Secretary to the Government, Home (Services – III) Department, Government of Telangana, baldly stated that the petitioner/party-in-person's request for extension of his parole was examined and the same was rejected. The impugned Memo was not even marked to the petitioner/party-in-person and the Superintendent of Police, Central Prison, Cherlapalli, was merely asked to inform the same to the individual. This is not in keeping with the required procedure.

On this short ground, the impugned Memo dated 13.08.2015 is set aside and the 1st respondent is directed to consider the petitioner's representation for extension of his parole afresh and pass appropriate reasoned orders in the matter expeditiously. Pending this exercise, the petitioner/party-in-person shall not be sent to prison in the light of the law laid down by a Division Bench of this Court in W.A. (SR) No.137044 of 2014 in W.A.M.P.No.3036 of 2014.

The writ petition is accordingly allowed.

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

SANJAY KUMAR, J

Date:01.12.2015

GJ