

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 952 OF 2016

Devraj s/o. Vyankat Phad .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. Ram B. Deshpande, Advocate for the petitioner.
Mr. M.M. Nerlikar, A.P.P. for respondent/State.

**CORAM : A.V.NIRGUDE &
V.L.ACHLIYA, JJ.**

DATED : 26.07.2016

P.C. :-

1. Heard. The petitioner is a convict at present detained in Nashik Prison. On 27th May, 2016, his parole leave was granted. The petitioner was relieved on parole leave on 27th May, 2016 for a period of 30 days for attending his ailing wife. On 9th June, 2016, the petitioner moved an application seeking extension of parole leave for 30 days more. The authorities did not decide this application. In the meantime, the petitioner also moved second application for extension of parole leave. On 13th July, 2016, this application was rejected summarily because the application reached the authority two days belatedly. The order dated 22nd July, 2016 is mainly impugned before us.

2. We agree with the submissions of learned Counsel for the petitioner that the reasons mentioned in the order for rejecting the application is incorrect. Hence, the order is set aside.

3. In any case, the petitioner's parole leave expires today and the learned Counsel for the petitioner assured us that the petitioner would surrender back to jail tomorrow. In view of this, we direct the authorities to decide the petitioner's application seeking extension of parole leave dated 09.06.2016 and 13.07.2016 as per rules.

4. With above directions, the criminal writ petition stands disposed of.

[V.L.ACHLIYA, J.]

[A.V.NIRGUDE, J.]