

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.848 OF 2016

Wilson Benjamin Castellino

...Petitioner

Versus

The State of Maharashtra

...Respondent

...

Mr. A.G. Toraskar, Advocate appointed for the Petitioner.

Mr. H.J. Dedia, APP for the Respondent -State.

**CORAM: SMT. V.K. TAHILRAMANI &
SMT. ANUJA PRABHUDESSAI, JJ**

DATED: 8th March, 2016

ORAL ORDER [PER SMT. V.K.TAHILRAMANI, J.]:

Heard both the sides. Rule. By consent rule is made returnable forthwith.

2. The Petitioner preferred an application for parole on the ground of his own medical problem. This application came to be rejected by order dated 30.3.2015. An appeal preferred by the Petitioner against the said order came to be dismissed, hence this petition.

3. The Application of the Petitioner for parole was rejected mainly on the ground that on 20.11.2010 when the Petitioner was released on Furlough for a period of two weeks he did not return

back to the prison in time. There was over stay on his part of 674 days. Ultimately the Petitioner was arrested by the police and brought back to the prison. Moreover during the period that the Petitioner overstayed his furlough period, he committed one offence punishable under the provisions of Arms Act. Hence, it was apprehended that if the Petitioner is released on parole, he may again abscond and commit offence.

4. Moreover the learned APP, on instructions states that at present health of the Petitioner is stable and he is being provided treatment in CPR Hospital, Kolhapur. In this view of the matter, no case is made out for interference.

5. Rule is discharged.

6. Fees be paid to the appointed Advocate as per rule.

(Smt. ANUJA PRABHUDESSAI, J.) (Smt.V.K. TAHILRAMANI, J.)