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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 503 OF 2016

Mehboob Abbas Ali Jamadar Petitioner.

V/s.

The State of Maharashtra and anr Respondents

Mr. Prashant Badole for the Petitioner.
Mrs. A. S. Pai, for the Respondent/State.

CORAM : SMT. V. K. TAHILRAMANI, ACTING C.J. &
DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 9TH FEBRUARY 2016.

ORAL ORDER : [Per : Smt. V.K. Tahilramani, Acting CJ]

1. Heard both sides.
2. Rule.
3. Rule is made returnable forthwith.
4. The father of the petitioner expired on 8.1.2016.
Hence, the petitioner preferred an application on 15.01.2016 for being released on parole on the 40th day of his father's death, to attend the religious rites connected with the death of his father.

5. Though the Superintendent of Prison has power to release the convict on death parole, as the petitioner preferred an application seeking his release on 40th day of death of his father, the Superintendent did not have power to release on 40th day of death, hence the application was not considered. Thereafter the petitioner preferred another application on 6.2.2016 for being released on parole to attend religious rites relating to the death of his father which are to take place on 13.2.2016 and 14.2.2016. The said application is pending before the Divisional Commissioner, Nashik.

6. On query made by the court, learned APP on instructions, from the Jailor of Nashik Road Central Prison about the conduct of the petitioner in prison, she submitted the conduct of the petitioner in the prison is satisfactory.

7. Looking to the fact that religious rites are to take place on 13th and 14th February, 2016 and looking to the conduct of the petitioner in prison, we are inclined to release the petitioner on parole for a period of 30 days, on complying with the conditions as set out by the Superintendent of Prison. On completion of 30 days, the petitioner, to return to Prison.

8. Rule is made absolute in above terms.
9. Authenticated copy of this order be furnished to the parties.

[ACTING CHIEF JUSTICE.]

[DR. SHALINI PHANSALKAR-JOSHI, J.]