

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.653 OF 2016

Pradumna Balgonda Patil

... Petitioner

Vs.

The State of Maharashtra & anr.

... Respondents

Mr.D.G. Khamkar, for the Petitioner

Mrs.U.V. Kejriwal, APP, for Respondent – State

CORAM: **SMT. V.K. TAHILRAMANI &
MRS.MRIDULA BHATKAR, JJ.**

DATE: **JUNE 27, 2016**

ORAL ORDER (PER SMT. V.K. TAHILRAMANI, J.):

1. Heard both sides.
2. Rule. By consent, Rule is made returnable forthwith.
3. The petitioner had preferred an application for parole. The said application came to be granted. The petitioner was released on parole from 8.8.2014 to 7.9.2014 i.e., for a period of 30 days. On 20.8.2014, the petitioner preferred an application for extension for parole. The said application came to be rejected by order dated 17.4.2015. The petitioner in the meanwhile preferred second application for extension of parole on 10.9.2014. The said application was not granted. The petitioner surrendered on 7.11.2014 i.e., 60 days after his parole leave expired on

7.9.2014. The prayer of the petitioner now is that his parole leave be extended by 60 days i.e., the period that he has overstayed.

4. The learned Counsel for the petitioner states that had the order of rejection been communicated to him earlier, the petitioner would have surrendered. As far as this aspect is concerned, it is an admitted fact that the petitioner did not receive any order extending his period of parole. In such case, the petitioner on the due date i.e., on 7.9.2014, ought to have surrendered to the jail authorities. Moreover, even thereafter, the authorities have considered the application of the petitioner for extension of parole but they found that the condition on which the parole was granted, was flouted. One of the conditions was that he should report to the police station i.e., Ashta police station, Sangli. However, the petitioner did not report even once to the said police station. The learned Counsel for the petitioner submitted that in fact the petitioner had attended at Ashta police station but the police authorities did not record his attendance. As far as this contention is concerned, PSI Shaikh attached to Ashta police station, Sangli has filed an affidavit. In the said affidavit, it is stated that during the period from 9.8.2014 to 7.9.2014, the petitioner did not attend the Ashta police station even once. PSI Shaikh has categorically stated that the record at the Ashta police station clearly shows that the petitioner had not attended the police station in the said period even once. We see no reason to disbelieve the said affidavit.

5. No doubt, the application of the petitioner for extension of parole was not considered immediately and it took some time to decide the said application. However, even thereafter, when the application for extension of parole was considered, the concerned authority applied its mind to the facts of the case and thereafter rejected the application for extension of parole. One of the major grounds for rejecting the application for extension of parole is that the petitioner flouted the conditions on which he was granted parole. Even thereafter, if the authority had found it to be a case for extension of parole, it would have extended the parole. However, looking to the reasons stated by the concerned authority for rejecting the application of the petitioner for extension of parole, we cannot find any fault with the authorities. Hence, no case is made out for interference.

6. Rule is discharged.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)