

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1980 OF 2014

Jakir Ahmed Shakir Ahmed Khan ... Petitioner

Vs.

The State of Maharashtra & anr. ... Respondents

Mr.Abhaykumar Apte, advocate appointed for the Petitioner
Mrs.A.S. Pai, APP, for Respondent State

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

DATE: **JUNE 21, 2016**

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

1. Heard both the sides
2. Rule. By consent, Rule is made returnable forthwith.
3. The petitioner has preferred an application for parole on the ground of illness of his wife. The said application came to be rejected. Being aggrieved thereby, the petitioner preferred an appeal. The said appeal came to be dismissed by order dated 8.8.2014. Hence, this petition.
4. The grounds for rejecting the application of the petitioner for parole were that in the year 2012, when the petitioner was released on parole, he had threatened one of the witnesses in a case in which the petitioner was involved i.e., C.R. No.47 of 2009. In this view of the matter, it was

apprehended by the authorities that if the petitioner is released on parole, he may again threaten the complainant and the witnesses. We cannot say that this apprehension is without any basis. The second reason for rejecting the application of the petitioner for parole is that earlier in 2012, when the petitioner was released on parole, he did not report back in time. The third reason for rejecting the application of the petitioner was that the petitioner stated that his aunt Fateema bee Abdul Kareem Shaikh would stand as surety for him. However, when the police made enquiries with the said lady, she refused to stand as surety for the petitioner. In addition, it is stated that the petitioner is not only involved in the present case which relates to offence u/s 302 of the Indian Penal Code but the petitioner is also involved in a case under sections 365, 323, 324, 504 r/w 34 of the Indian Penal Code. On account of these reasons, the application of the petitioner for parole came to be rejected. In addition to the above, it is seen that the petitioner was seeking parole in the year 2014 on account of illness of his wife. The said reason by efflux of time has become infructuous.

5. In view of the above, we are not inclined to entertain this petition. Rule is discharged.

6. Office to communicate this order to the petitioner who is in Kolhapur Central Prison, at Kolhapur.

7. Fees to be paid to the appointed advocate are quantified at Rs.2,000/-.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)