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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2109 OF 2016

Amarsing Ramji Rathod	...	Petitioner
vs.		
The State of Maharashtra	...	Respondent

Ms. Sarojini Upadhyay, Advocate for the petitioner.
Mrs. U.V. Kejriwal, APP for the respondent/State.

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

JULY 14, 2016.

ORAL ORDER: (Per Mrs. V.K. Tahiramani, J.)

Heard both sides.

2. Rule. By consent, rule is made returnable forthwith.
3. The petitioner preferred an application for parole on the ground of illness of his wife. The said application was granted and the petitioner was released on parole on 23rd May, 2015 for a period of 30 days. The petitioner had to surrender on 22nd June, 2015. Meanwhile the petitioner preferred an application for extension of parole, being his first application

for extension of parole. The said application was granted and the parole period of the petitioner was extended by further period of 30 days. Thus, the petitioner had to surrender on 22nd July, 2015. Meanwhile, on 8th July, 2015, the petitioner preferred second application for extension of parole. The said application came to be rejected. Hence this Petition.

4. The record of the petitioner shows that on 6th July, 2009 when the petitioner was released on furlough, he did not report back in time and there was overstay of 131 days. On 14th November, 2011 when the petitioner was released on parole, there was overstay of 38 days. Thereafter the petitioner was released on parole on 24th July, 2012. On that occasion also, there was overstay. The petitioner was released on furlough on 18th September, 2013 and on 3rd April, 2014 and on both the occasions, there was overstay. The medical certificate relied upon by the petitioner shows that his wife was suffering from hypertension and heart disease since last 6 months and she was advised rest. The doctor had advised that she required angiography and angioplasty, however, no date of angiography and angioplasty was fixed. Though the wife of the petitioner was ailing for 6 months and the petitioner was on parole for 2 months, the petitioner did not

take steps to get angiography and angioplasty performed. Thereafter, on the basis of this medical certificate, the petitioner was seeking second extension of 30 days of parole. The medical certificate shows that no angiography or angioplasty was fixed and the certificate only shows that the wife of the petitioner needed rest. In this view of the matter, we are not inclined to grant the prayer of the petitioner. Hence, Rule is discharged.

(MRS. MRIDULA BHATKAR,J.) (MRS. V.K. TAHILRAMANI, J.)