

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3124 OF 2014**

Anil Ramdas Borse

.. Petitioner

Vs.

The State of Maharashtra

.. Respondent

....

Ms. Rohini Dandekar Advocate appointed for Petitioner
Mr. H.J. Dedia APP for State

....

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

DATED : JULY 28, 2016

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

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

2 The petitioner preferred an application for parole on 30.5.2013 on the ground of illness of his mother. The said application was rejected by order dated 30.9.2013. Being aggrieved thereby, the petitioner preferred an appeal. The said appeal came to be dismissed by order dated 9.6.2014. The prayer of the petitioner is that he be released on parole.

3 It is seen that the petitioner was released on furlough on 15.10.2013 for a period of 28 days. Thereafter he was released on furlough on 21.8.2015. During the period that the petitioner was released on furlough on 15.10.2013, he could very well have taken care of his mother. Moreover, it is seen that the parole was sought in the year 2013 on the ground of illness of the mother of the petitioner. Medical certificates relied upon by the petitioner to support the contention that the mother was ill, are of the year 2013. Today in the year 2016, it would not be possible to grant parole on the basis of medical certificates which are of the year 2013, hence, we are not inclined to grant parole, however, if today, any ground exists on which the petitioner can seek parole, the petitioner may make a fresh application to the concerned authorities. If such an application is preferred by the petitioner, the same be decided expeditiously by the concerned authorities.

4 In view of the above facts, we are not inclined to interfere, hence, writ petition is dismissed. Rule is discharged.

5 Office to communicate this order to the petitioner who is in Nashik Road Central Prison.

6 Legal fees to be paid to appointed advocate Ms. Rohini Dandekar, is quantified at Rs.2500/-.

[MRS. MRIDULA BHATKAR, J.]

[SMT. V.K.TAHILRAMANI,J.]

kandarkar