

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2860 OF 2016

Asif Yusuf Shaikh ... Petitioner
Vs.
The State of Maharashtra & Ors. ... Respondents

Mrs. Farhana Shah, Advocate for the petitioner.
Mr. Arfan Sait, APP for the Respondent - State

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

DATE: SEPTEMBER 7, 2016

P.C.:

1. Heard both sides.
2. Rule. By consent, Rule is made returnable forthwith.
3. The petitioner preferred an application for parole on 24th July, 2014 on the ground of illness of his wife. The said application was granted by order dated 6th September, 2014 and the petitioner was released on parole on 12th September, 2014 to 11th October, 2014, i.e., for a period of 30 days. Thereafter the petitioner preferred first application for extension of parole on 24th September, 2014. The said extension was granted and parole period was extended from 12th October, 2014 to 11th November, 2014. In the meanwhile, the petitioner preferred second application for extension of parole for 30 days on 22nd October, 2014. The second application of the petitioner for extension of parole was not decided, however, as soon as 30

days period was over, the petitioner surrendered back to the prison on his own on 11th December, 2014.

4. The learned counsel for the petitioner pointed out that on account of this overstay of 30 days, the prison punishment was imposed on the petitioner by the order dated 15th June, 2015 whereby remission was cut of 3 days for each day of overstay, i.e., total period of 90 days was cut for 30 days of overstay.

5. The second extension of parole was sought on the basis of medical certificate dated 22nd October, 2014 which shows that the wife of the petitioner was suffering from tuberculosis of spine, stricture of intestine, koch's abdomen, sub acute intestinal obstruction and diabetic mellitus and she requires operation. Looking to the medical condition of the wife of the petitioner, we are inclined to extend the period of parole by a period of 30 days on humanitarian ground. Accordingly, the period of parole is extended by a period of 30 days. Any prison punishment imposed on account of overstay is set aside.

6. Rule is made absolute in above terms.

7. Authenticated copy be furnished.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)