

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3008 OF 2016

Gagasingh Amarsingh Tak
through his wife Jaya Kaur Gagasing Tak ... Petitioner

Vs.

The State of Maharashtra ... Respondent

Mrs.Nasreen S.K. Ayubi, Advocate appointed for the Petitioner
Mr.Arfa Sait, APP, for Respondent - State

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

DATE: **SEPTEMBER 21, 2016**

P.C.:

1. The petitioner Jaya, wife of the convict Gagasingh Amarsingh Tak, has prayed in this petition that parole be granted to her husband or he be released from prison.
2. The record shows that the convict Gagasingh Tak has preferred application for parole on 14.12.2015 on the ground of illness of his wife. The said application was granted by order dated 15.3.2016 and the petitioner was released on parole on 1.4.2016 for a period of 30 days. The convict did not surrender in time and he surrendered on 2.7.2016 i.e., after a delay of 61 days.

3. The wife of the convict has preferred the present petition on 9.9.2016 that her husband be released on parole or he be released from prison. As far as the second prayer is concerned, the appeal of the convict i.e., Criminal Appeal No.817 of 2015, is pending before the learned Single Judge for final hearing. Till the said appeal is decided, no decision can be taken in relation to the release of the petitioner from prison. However, as far as the release on parole is concerned, the proper course is to make an application to the concerned authorities for parole. When there is an alternate and efficacious remedy available, it would not be proper for this Court to interfere. The convict is relegated to the remedy of preferring an application for parole to the concerned authority i.e., Divisional Commissioner, Nashik Division.

4. In view of the above, we are not inclined to interfere. Rule is discharged.

5. Office to communicate this order to the convict who is in Nashik road Central Prison.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)