

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3756 OF 2015

Balaji Pandurang Londhe

... Petitioner

Vs.

The State of Maharashtra

... Respondent

Mr.Prosper D'souza, Advocate appointed for the Petitioner

Mr.H.J. Dedia, APP, for Respondent – State

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

DATE: **JULY 21, 2016**

ORAL ORDER (PER SMT. V.K. TAHILRAMANI, J.)

1. Heard both 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 was granted and the petitioner was released on parole on 27.8.2014 for a period of 30 days. Thereafter, the petitioner preferred an application for extension of parole, being his first application for extension of parole. The said application was granted and parole period was extended by a further period of 30 days. Thereafter,

the petitioner preferred his second application for extension of parole. The said application was received by the concerned authority on 23.10.2014. The said application came to be rejected on the ground that the application was not preferred in time. As per Rules, the application for extension had to be preferred 15 days prior to the date of surrender, which was 27.10.2014. That means the application ought to have been preferred on or before 11.10.2014. However, the application of the petitioner was received on 23.10.2014, hence, his application for extension of parole was rejected. This is the only ground on which the application of the petitioner for extension of parole was rejected.

4. The medical certificate relied upon by the petitioner showed that his wife tested positive for Dengue and Typhoid. Moreover, the petitioner sent his application for extension of parole by ordinary post, hence, there was delay in receiving the said application by the authorities. Looking to the fact that the wife of the petitioner, was suffering from Dengue as well as Typhoid, we are of the opinion that on humanitarian ground, the period of parole ought to be extended. Accordingly, the period of parole is extended by 30 days. Any prison punishment imposed on account of overstay of 30 days is set aside.

5. Rule is made absolute in the above terms.

6. Office to communicate this order to the Petitioner who is in Nashik Road Central Prison.

7. Fees to be paid to the appointed counsel are quantified at Rs.2,500/-.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)