

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 3827 OF 2013

Raju Shivaji Sable

.. Petitioner

v/s.

The State of Maharashtra .

..Respondents

Ms. Nasreen Ayubi for the Petitioner.

Mrs.V.R.Bhonsale, APP for the Respondent/State.

**CORAM : SMT. V.K.TAHILRAMANI &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : APRIL 16, 2016.**

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

1. Rule. By consent rule is made returnable forthwith.
2. The petitioner preferred application for parole. The said application came to be rejected. Being aggrieved thereby, the petitioner preferred an appeal. The said appeal came to be dismissed. Hence this petition.
3. The application of the petitioner for parole came to be rejected on the ground that earlier on 5.5.2011 when the petitioner was

released on furlough, he did not return back in time and ultimately he had to be arrested by the police and brought back to the prison. Thereafter, on 4.1.2012 when the petitioner was released on furlough, again he did not return back in time. Moreover, when the petitioner was released on furlough, he threatened the complainant and other witnesses with threat to their life, due to which N.C. complaint came to be lodged against the petitioner. In view of these facts it was apprehended that if the petitioner was released on furlough, he would not return back in time and he would abscond, and also there was danger to the life of the complainant.

4. Looking to the above facts, no fault can be found with the order of rejection of the parole application or the order of dismissal of appeal.

5. In addition, we have noticed that the petitioner was seeking parole on the ground of illness of his wife. In support thereof, the petitioner has relied on the medical certificate of his wife in which it is stated that the wife is required to undergo hysterectomy operation on account of uterine problem. However, the petitioner has also relied on another medical certificate of the same month wherein it is

stated that the wife of the petitioner requires surgery as she is suffering from appendicitis. As such it is seen that both the medical certificates are not in consonance with each other and entirely different reasons for surgery is stated in both the medical certificates.

6. In view of the above, we are not inclined to interfere with the order of rejection or the appellate order dismissing the appeal of the petitioner. Hence rule is discharged.

(ANUJA PRABHUDESSAI, J.)

(SMT. V.K.TAHILRAMANI, J.)