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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4402 OF 2015

Sharad @ Sharadchandra Nimba Patil	...	Petitioner
vs.		
The State of Maharashtra	...	Respondent

Ms. Rohini Dandekar, Advocate appointed for the petitioner.
Mrs. A.S. Pai, APP for the respondent/State.

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

JULY 5, 2016.

ORAL ORDER: (Per Mrs. V.K. Tahiramani, J.)

Heard both sides.

2. Rule. By consent, rule is made returnable forthwith.

3. The petitioner had preferred an application for parole on 4th April, 2014 on the ground of illness of his mother. The said application was granted and the petitioner was released on parole on 12th December, 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,

on 26th December, 2014. The said application was granted and the parole period of the petitioner was extended from 12th January, 2015 for a period of 30 days. Thereafter on 29th January, 2015 the petitioner preferred an application for extension of parole, being his second application for extension of parole. The said application came to be rejected by order dated 21st March, 2015 on the ground that the application was not made 15 days prior to the period of parole getting over. As per the Government Notification dated 9th December, 2013, an application for extension of parole has to be made atleast 15 days prior to the period of parole getting over. In view of the Circular, the petitioner ought to have preferred the application for extension of parole latest by 26th January, 2015, however, he preferred the application for extension of parole on 29th January, 2015. Hence on this sole ground, his application came to be rejected.

4. The certificate relied upon by the petitioner for seeking extension of parole, of which genuineness is not doubted, showed that the mother of the petitioner was suffering from infective hepatitis and fever. This certificate is dated 24th January, 2015. In addition, the petitioner himself was suffering from diarrhea and vomiting as seen from medical certificate dated 27th January, 2015. The genuineness of these certificates is not doubted. In

this view of the matter, on humanitarian ground, we are inclined to extend the period of parole for a period of 30 days from 11th February, 2015. Accordingly, the period of parole is extended by 30 days from 11th February, 2015. Any prison punishment imposed on account of overstay is set aside.

5. Rule is made absolute in above terms.

6. Office to communicate this order to the petitioner who is in Nashik Road Central Prison. The fees to be paid to the appointed counsel are quantified at Rs.2,500/-

(MRS. MRIDULA BHATKAR,J.)

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