

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3861 OF 2016

RAHIMTULLA @ PAPA SAYYADALI SHEIKH)
Age – 61 years, Presently lodged at -C/579,)
Yerwada Open District Prison, Class -I,)
Pune – 411 006.)...PETITIONER

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Ms.Rohini Dandekar, Advocate Appointed for the Petitioner.

Mr.H.J.Dedhia, APP for the Respondent - State.

**CORAM : VK.TAHILRAMANI &
A. M. BADAR, JJ.**

DATE : 5th DECEMBER 2016.

ORAL JUDGMENT : (PER VK.TAHILRAMANI, J.)

1 Heard both sides.

2 The petitioner preferred an application dated 29th May
2013 for parole on the ground of illness of his wife. The said

application was rejected, against which an appeal was preferred. The said appeal was allowed by order dated 15th June 2015. Pursuant to the said order, the petitioner was released on parole on 30th June 2015, for a period of 30 days. The petitioner had to surrender on 30th July 2015. The petitioner applied for extension of parole on 7th July 2015. This application for extension of parole was rejected by order dated 3rd August 2015. Hence, this petition. The petitioner has prayed that his parole be extended by a period of 14 days.

3 The application of the petitioner for parole came to be rejected on the ground that the reason for extension of parole is not found appropriate. However, it is seen that the petitioner while preferring the application for extension of parole has annexed medical certificate dated 5th July 2015 which shows that his wife has been advised surgery of spine. The genuineness of this medical certificate is not doubted by the authorities. It is further seen that the application for extension of parole was made within time and it is supported by a medical certificate, the

genuineness of which, as stated earlier, is not doubted. The petition shows that the petitioner was informed of rejection of his application for extension of parole on 12th August 2015 and he surrendered to prison on the very next day. Though the application for extension of parole was rejected on 3rd August 2015 by the State Government, it was communicated to Yerwada Central Prison on 13th August 2015 and the petitioner surrendered immediately thereafter.

4 As the application of the petitioner for extension of parole was pending, he did not surrender to the authority as he must have been under an impression that the parole would be extended. However, as soon as it was rejected, the petitioner immediately surrendered back to prison.

5 Looking to all the above facts, we are inclined to grant extension of parole by a period of 14 days. Any punishment imposed on account of overstay of 14 days, is set aside.

6 Rule is made absolute in above terms.

7 Office to communicate this order to the petitioner, who
is in Yerwada Open District Prison.

(A. M. BADAR, J.)

(V.K.TAHILRAMANI, J.)