

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3880 OF 2016

VIJAY RAMDULARE NIRMAL)
C/9980, Nashik Road Central Jail)
Nasik.)...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 The petitioner has preferred an application for parole on the ground of illness of his mother. The said application was rejected by order dated 22nd March 2016. Being aggrieved thereby, the petitioner preferred an appeal. The appeal was allowed by order dated 28th June 2016. Pursuant to the said order, the petitioner was released on parole on 30th June 2016 for

a period of 30 days. The petitioner had to surrender on 29th July 2016. The petitioner preferred an application for extension of parole on 11th July 2016. Admittedly, the said application was made within time. The said application was rejected on 19th August 2016. Hence, this petition. The prayer of the petitioner is that parole be extended.

2 Admittedly, the application for extension of parole was made within time. The application for extension of parole was made on the ground that the mother of the petitioner is suffering from hypertension, diabetes, Angina Pectoris and bilateral osteoarthritis. She was advised angioplasty. The application of the petitioner was rejected as the earlier medical certificate relied upon for seeking parole was similar to the one, which was relied upon for extension of parole. It was noticed that there was no change in the medical status of the mother and no papers relating to the test of treatment given to the mother of the petitioner was produced as proof. It is seen that the genuineness of the medical certificate is not doubted by the prosecution. In addition, what is

most important is that the application of the petitioner was rejected on 19th August 2016 and on the very next day, he surrendered back to the prison. The petitioner may have been under an impression that his application for extension of parole would be favourably considered. Hence, he has remained out of the prison. However, as soon as he was informed that his application was rejected, he has surrendered back to the prison. Looking to the above facts, we are of the opinion that the parole period be extended by a period of 20 days.

3 Rule is made absolute in above terms.

4 Office to communicate this order to the petitioner, who is in Nashik Road Central Jail.

(A. M. BADAR, J.)

(V.K.TAHILRAMANI, J.)