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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4556 OF 2015

Saroja Avtar Vishwas		Petitioner
V/s.		
The State of Maharashtra		Respondent

Mrs. Nasreen S. K. Ayubi, appointed advocate for the petitioner.
Mr. H. J. Dedia, APP for the Respondent-State.

CORAM : SMT. V. K. TAHILRAMANI, ACTING C.J. &
DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 8TH JANUARY 2016.

ORAL ORDER: [PER: SMT. V.K. TAHILRAMANI, ACJ]

1. Heard both sides.
2. Rule.
3. Rule made returnable forthwith.
4. The petitioner has preferred an application for parole on the ground of illness of her daughter Neha, who was 8 years old, relying on the medical certificate issued by Medical Officer, P.H.C. Nalegaon, Taluka:

Chakur, District: Latur. The said certificate shows that Neha was suffering from chronic appendicitis Anemia, for which Neha requires higher surgical treatment. The said application for parole came to be rejected. The petitioner had preferred an appeal and the appellate Authority had granted parole for a period of 30 days, by order dated 16th June, 2015. Pursuant to the said order, the petitioner was released on parole for a period of 30 days on 22.6.2015.

5. Thereafter the petitioner preferred an application for extension of parole dated 6.7.2015. The petitioner also filed another application dated 27.7.2015, for extension of parole. Alongwith the said application, the petitioner annexed medical certificate dated 19.7.2015. In the said certificate, it was stated that the petitioner's daughter Neha was suffering from appendicitis with anemia and surgical treatment was advised. Both the applications for extension of parole came to be rejected.

6. Thereafter the petitioner herself surrendered back to prison on 11.9.2015. As the applications for extension of parole were not granted, there was overstay on the part of the petitioner for 50 days. The petitioner has now sought extension of parole.

7. Looking to the fact that parole granted earlier to the petitioner was on the ground of illness of her daughter as she was suffering from appendicitis, we are of the opinion that when certificate dated 19.7.2015, showed that the daughter of the petitioner requires surgical treatment, parole should have been extended. In this view of the matter, we set aside the order of rejection of applications for extension of parole and instead parole is extended by a period of 30 days and 20 days i.e. for 50 days which is period of overstay by the petitioner.

8. Rule is made absolute in above terms.

9. Fees be paid to the appointed advocate as per rules.

[ACTING CHIEF JUSTICE.]

[DR. SHALINI PHANSALKAR-JOSHI, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed order.