

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

CRIMINAL WRIT PETITION NO. 4257 OF 2016

Ravichand Madanchand Thakur @]
Raja Thakur, Aged about 32 years,]
Occ: Builder, Residing at Thane]
At present undergoing sentence]
imposed upon him at Nashik Road]
Central Prison as Convict No.C/10486)].. Petitioner

Vs.

1. The Principal Secretary,]
Home Department,]
The State of Maharashtra]
]]
2. The Divisional Commissioner,]
Nashik Division, Nashik].. Respondents

....
Mrs. Pooja Ravichand Thakur Advocate for Petitioner
Mr. H.J. Dedia A.P.P. for the State
....

**CORAM : SMT.V.K.TAHILRAMANI AND
A.M.BADAR, JJ.**

DATED : DECEMBER 14, 2016

ORAL JUDGMENT : [PER SMT. V.K.TAHILRAMANI, J.]:

1 Heard both sides. Rule. Rule is made returnable
forthwith. By consent, matter is heard finally.

2 The petitioner preferred an application for parole on 28.4.2016 on the ground of illness of his mother. The said application was not decided, hence, the petitioner preferred Criminal Writ Petition No. 3829 of 2016 wherein he had raised the grievance that his application though he had preferred for parole on 28.4.2016, till the date of hearing of the petition i.e. 18.11.2016, the application for parole was not yet decided. Looking to the grievance made by the petitioner, this Court disposed of Writ Petition No. 3829 of 2016 by order dated 18.11.2016 and observed that the concerned authorities to decide the application of the petitioner within a period of two weeks from the date of communication of the order.

3 In the present petition, the grievance is raised that though the petitioner had applied for regular parole, he was granted emergency parole only for a period of seven days. We have gone through the application made by the petitioner seeking parole which has been produced by the jail authorities. We find that there is no mention in the said application about seeking emergency parole. The medical certificate relied upon

by the petitioner as well as the jail authorities for granting parole, also does not mention that the surgery was fixed on any particular date. In this view of the matter, we fail to understand on what basis emergency parole was granted or why parole was granted only for a period of seven days when normally parole is granted for a period of 30 days. Hence, we set aside the order dated 2.12.2016 whereby emergency parole of seven days was granted to the petitioner. Instead, we direct the petitioner to be released on parole for a period of thirty days on complying with the same terms and conditions as stated in the order dated 2.12.2016 except that instead of attending the police station twice in a day, he shall report to the police station only once in a day.

4 Rule is made absolute in above terms. Petition is disposed of accordingly.

[A.M.BADAR, J.]

[SMT. V.K.TAHILRAMANI,J.]