

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO.14 OF 2015

Ashok Babulal Sahu

..vs..

The State of Maharashtra, through Divisional Commissioner, Amravati and anr

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri Vinay Dahat, counsel for the petitioner.
Mrs. M.H. Deshmukh, Addl.P.P. for the respondents.

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.**

DATED : OCTOBER 7, 2016.

Heard.

On the ground of illness of wife, parole leave of 30 days was granted and the petitioner was released on 15.11.2014. It was to expire on 14.12.2014. On 25.11.2014, he sought further extension of 30 days. The said extension has been declined on the ground that the wife was only a O.P.D. patient.

Learned counsel Shri Vinay Dahat for the petitioner relies upon police verification report to urge that there is nothing adverse in it. He further submits that order of rejection has been passed belatedly i.e. on 26.12.2014 and it has been received by the petitioner on 4.1.2015. Immediately, he approached this Court and as this Court directed him to surrender, the petitioner

surrendered on 12.1.2015.

Learned Additional Public Prosecutor Mrs. M.H. Deshmukh is strongly opposing the prayer for extension. She points out previous history to urge that he has absconded even on earlier occasions and total period of abscondance is 1061 days. She further contends that as wife was not suffering from any ailment, rejection of extension is justified.

Reason found by the authority for grant of parole leave is not accepted and acted upon to extend it. Moreover, though extension was sought, its rejection has been communicated on 4.1.2015 and, therefore, after start of period for which extension was sought. The petitioner has surrendered on 12.1.2015 after knocking doors of this Court.

As such, we do not see any *mala fide* in his conduct.

In the present situation, we extend parole leave up to the date of report i.e. 12.1.2015.

The criminal writ petition is partly allowed and disposed of. No costs.

JUDGE

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- 10/10/2016

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