

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

CRIMINAL WRIT PETITION No. 429/2016.

Amit Gajanan Gandhi

-VERSUS-

The Divisional Commissioner, Nagpur and another.

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

Court's or Judge's Orders

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

DATE : SEPTEMBER 15, 2016.

Heard shri C.S. Wasade, learned Counsel
[Appointed] for the petitioner and Ms.N.R. Tripathi,
learned A.P.P. for respondents.

2. Petitioner sought release on parole to look after his ailing mother, vide application dated 06.11.2015. Police Authorities after verification found that reason of illness of mother was correct, however, by the impugned order dated 25.01.2016, parole has been declined on the ground that the petitioner has always surrendered late and no relative was ailing.

3. After hearing learned counsel for the

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petitioner and learned A.P.P. we find that the petitioner was released lastly on parole leave on 05.09.2013, and he surrendered on 08.11.2013 i.e. late by 32 days. In chart filed along with reply, there are total 11 instances on which either parole or furlough leave has been extended to the petitioner and on all occasions he reported late, except in the year 2009, when he was required to be arrested and brought back. He was arrested and brought back only after 20 days.

4. In this situation, that late surrender by itself cannot be a reason to deny parole to the petitioner. Similarly after due verification police authorities reported that reason for illness of mother is correct, hence the finding in order that no relative is ailing, is incorrect.

5. Considering the fact that the application moved by the petitioner was in the month of November, 2015 and period of more than 10 months have expired, we grant leave to petitioner to move fresh application with necessary documents within a period of two weeks. If such application is received by the authorities, appropriate decision in the matter of

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release of the petitioner on parole leave shall be taken within next two weeks.

6. With these directions, Writ Petition is disposed of. No costs.

7. Fees for the counsel appointed for the petitioner is quantified at Rs. 1500/-.

JUDGE

JUDGE

Rgd.

CERTIFICATE

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

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Pvt. Sec.