

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

CRIMINAL WRIT PETITION NO.454 OF 2016

Dilip @ Kalya Kisan Wagh

..vs..

The Superintendent, Central Prison, 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 D.S. Lambat, counsel for the petitioner (appointed).
Mrs. M.H. Deshmukh, Addl.P.P. for the respondents/State.

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

DATED : SEPTEMBER 14, 2016.

Heard.

The application moved on 22.1.2016 by the petitioner, seeking his release on paraole leave on the ground of illness of his wife, has been rejected on the ground that there are other family members to look after her and co-accused Tanaji Vitthal Bhosle when similarly released has committed dacoity.

Learned counsel Shri D.S. Lambat appointed for the petitioner submits that commission of an offence by co-accused cannot be the reason to deny relief to the petitioner. He further submits that illness of the wife of the petitioner is not in dispute.

Learned Additional Public Prosecutor Mrs. M.H. Deshmukh for the respondents/State submits

that illness of the wife of the petitioner is very much in dispute. The authorities, after due enquiry, found that the documents showing gravity of illness are not produced by the petitioner.

We have perused the papers. We find that the application moved for grant of parole leave by the petitioner has been rejected by impugned order for the reason that the co-accused has committed an offence of dacoity when he was released on parole. Such offence by co-accused cannot be the reason to deny parole leave to the petitioner.

However, the papers produced before us do not show that the illness of the wife of the petitioner is grave and serious in nature. The authorities have found that the mother, brother, and sister of the wife of the petitioner are available to take care of her and hence the presence of the petitioner is not essential. Moreover, the application moved by him is about nine months old.

In this situation, we grant the petitioner leave to move fresh application before the authorities within a period of four weeks from today and the authorities shall consider the same, as per law, within a period of next four weeks.

With these directions, we dispose of the

criminal writ petition.

Charges of learned counsel Shri D.S. Lambat
appointed for the petitioner are quantified at Rs.1500/-.

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 :- 15/09/2016

...../-