

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

CRIMINAL WRIT PETITION NO. 692 OF 2016

(Dilip s/o Bhaiysing Tekan [C-4623] vs. State of Maharashtra, Divisional Commissioner,
Amravati & Anr.)

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 &
KUM. INDIRA JAIN, JJ.
DECEMBER 05, 2016.**

Heard Shri A.Y. Sharma, learned counsel (appointed) for the petitioner and Shri R.S. Nayak, learned APP for the respondents.

Perused the reply filed by the respondents.

Parole leave sought for by the petitioner was allowed for a period of 30 days and he was released on 16.03.2015. He applied for grant of extension of 30 days more on 01.04.2015. This extension, if granted, would have been up to 16.05.2015. As he did not learn anything about orders on his request for extension, after period for which extension was sought for, he reported back voluntarily. Thus, after reporting back on 16.05.2015, he learnt that his application dated 01.04.2015 was partially granted. The extension was allowed only for a period of 15 days which expired on 29.04.2015.

Shri Sharma, learned counsel submits that had the order granting extension been communicated to the petitioner before 29.04.2015, the petitioner could have reported back by 29.04.2015.

Shri R.S. Nayak, learned APP submits that it is the duty of the petitioner to report back if the order of extension is not communicated. Hence, alleged non communication of extension even up to 29.04.2015 cannot be pressed into service as justification.

During hearing, we find that past record of the present petitioner is unblemished. Hence, we leave the above contention of the learned APP open for its consideration in more appropriate facts. Here, the petitioner has pointed out in para 8 of his application that after he reported back in Prison, he was informed about partial grant of his application for extension.

Taking overall view of the matter, we grant his application dated 01.04.2015 in its entirety i.e. he is granted parole extension of 30 days more after expiry of his earlier parole.

Criminal Writ Petition is thus allowed and disposed of.

The charges for the counsel appointed for the petitioner are fixed at Rs.1,500/- (Rs. One thousand five hundred only).

JUDGE

JUDGE

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