

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 16098 of 2016

ORDER:

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The present Writ Petition came to be filed questioning the action of the respondents in not considering the application of the petitioner for extension of parole from 18.05.2016 to 16.07.2016.

The petitioner, who is sentenced to suffer imprisonment for life by the Sessions Court filed an application seeking extension of parole. The petitioner herein was initially granted parole for one month as per G.O.Rt.No.44, Home (Legal) Department, dated 07.01.2016 ie. from 27.02.2016 to 28.03.2016 and pursuant to the said order, the petitioner was released on parole on 27.02.2016. The said parole was extended for a period of 50 days vide G.O.Rt.No.462, Home (Legal) Department, dated 28.03.2016 and G.O.Rt.No.563, dated 28.04.2016. Subsequently, the petitioner made a representation dated 06.05.2016 seeking further extension of parole for 60 days from 18.05.2016 to 16.07.2016.

The record discloses that the application made by the petitioner was considered and his parole was being extended by one month from 17.05.2016 to 17.06.2016. The action of the Government in not considering his request for extension of parole by 60 days is subject matter of challenge in the present writ petition.

The Government Pleader for Home on instructions submits that extension of parole is the discretion of the Government and this Court while exercising jurisdiction under Article 226 of the Constitution of India cannot extend the period of parole, even

otherwise it is urged that the request of the petitioner for extension of parole was considered thrice.

Many factors are taken into consideration by the Government while extending the parole. It is not a case where the request of the petitioner for parole or for extension of parole was rejected in an arbitrary or biased manner. On the other hand, the Government considered the request while granting parole and extended the same by three times.

Power of extension of parole is subject to the satisfaction of the authority, who empowered to grant parole. Therefore, this Court cannot extend the same on mere asking. It may be true that the parents of the petitioner are suffering from old age ailments and his son, who is six years old may not be in a position to attend to the needs and that his old aged parents may not be in a position to look after his son but that by itself cannot be a ground to extend the parole. Hence, this Court is of the view that the request of the petitioner cannot be considered.

Having regard to the facts and circumstances of the case and in view of the orders passed by this Court on 12.05.2016, the time granted to the petitioner for surrendering before the Superintendent of Prison is extended by one week from today. However, it is always open to the petitioner to make a fresh representation for extension or release after his surrender, in which event the same shall be dealt with in accordance with law at the earliest.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any,
pending in this Writ Petition, shall stand dismissed.

**JUSTICE C. PRAVEEN
KUMAR**

20.06.2016

Note: Issue C.C. today.

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