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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO. 24 OF 2017

Ravichand Madanchand Thakur
@ Raja Thakur, aged about 32 years
Occupation – Builder,
Residing at Saket Complex,
C/6, 704, Rabodi,
Thane (West).
(At present undergoing Sentence
imposed upon him at Nashik Road
Central Prison as Convict No.C/10486)

...Petitioner

Versus

1. The State of Maharashtra.
2. The Divisional Commissioner,
Nashik Division, Nashik.

...Respondents

Mr.Kuldeep S. Patil i/b Ms.P.R.Thakur, for the Petitioner

Mr. H. J. Dedia, A.P.P for the Respondent-State

***CORAM : SMT.V.K.TAHILRAMANI &
REVATI MOHITE DERE, JJ.***

DATE : 9th JANUARY, 2017

ORAL JUDGMENT (Per Smt. V. K. Tahilramani, J.):

1. Heard both sides.

2. Rule. By consent, rule is made returnable forthwith and the matter is heard finally.

3. The petitioner preferred an application for parole on the ground of illness of his mother. The petitioner was granted parole for only 7 days. The grievance of the petitioner was that normally parole is granted for a period of 30 days, however, he was granted parole for only 7 days. Hence, the petitioner preferred Criminal Writ Petition No.4257 of 2016. This Court set aside the order granting 7 days of parole and instead parole for a period of 30 days was granted by order dated 14th December, 2016 in Criminal Writ Petition No.4257 of 2016. Pursuant to the said order, the petitioner was released on parole on 16th December, 2016 for a period of 30 days. The parole period will expire on 15th January, 2017. The petitioner is now seeking extension of the parole for a period of 30 days.

4. The case of the petitioner is that though operation of his mother for hysterectomy was scheduled on 28th December, 2016, the doctors stated that she is not fit for surgical procedure and the operation is rescheduled to 27th January, 2017. The reason that the surgery could not be carried out

earlier was that the haemoglobin of the mother of the petitioner was very low i.e. it was 6.5 whereas the normal range is from 12 to 16. Moreover, the fasting blood sugar of his mother was 220.3 and the post lunch blood sugar was 335.5 whereas the normal range of fasting blood sugar is 70 to 110 and post lunch blood sugar is 70 to 140. The laboratory reports showing the haemoglobin and blood sugar levels have been relied upon. Obviously, in view of the high blood sugar level and low haemoglobin level, the operation of the petitioner's mother could not be conducted.

5. In view of the above, we are inclined to extend the period of parole for a further period of 30 days, on the same terms and conditions when the petitioner was released earlier.

6. Rule is made absolute in above terms. Petition is disposed of accordingly.

(REVATI MOHITE DERE, J.)

(V.K.TAHILRAMANI, J.)