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

**CRIMINAL WRIT PETITION NO.588 OF 2017
(THROUGH JAIL)**

Raunak Nababali Shaikh

...Petitioner

Versus

The State of Maharashtra

...Respondent

Ms. Rohini M. Dandekar, Advocate appointed for the Petitioner.

Ms.G.P.Mulekar, A.P.P for the Respondent-State

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

DATE : 2nd MARCH, 2017

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

1. Heard both sides.
2. The petitioner preferred an application for parole on 11th May, 2015 on the ground of illness of his mother. The said application was rejected by order dated 16th September, 2015.

Being aggrieved thereby, the petitioner preferred an appeal. The said appeal was received by the Home Department on 26th November, 2015. The grievance of the petitioner is that though a long time has elapsed, his appeal has not been decided.

3. Learned APP submitted that the appeal was decided and it was dismissed by order dated 28th July, 2016. She tendered an affidavit of Mr. Jaysing L. Pawara, Deputy Secretary, Home Department, Mantralaya, Mumbai, wherein the delay in deciding the appeal preferred by the petitioner has been explained. It is stated therein that the orders passed by the State Government on appeals filed by the prisoners are communicated to the jail authorities by ordinary post. The order dated 28th July, 2016 was communicated to the Nashik Road Central Prison by ordinary post. However, it appears that the said order was not received by the Nashik Road Central Prison. Hence, it could not be communicated to the petitioner. It is further stated in the affidavit that the Government is in the process of setting up measures to avoid delay in communicating the orders. It is stated that 450 appeals came to be decided in

the period from 26th November, 2015 to 28th July, 2016 and due to overburden of work, it took some time to decide the appeal of the petitioner. It is stated that necessary precautions to decide the appeals filed by the prisoners will be taken. An unconditional apology is tendered for causing inconvenience on account of delay in deciding the appeal.

4. We accept the unconditional apology. However, we make it clear that in future if there is an inordinate delay in deciding the appeal preferred by the prisoners, this Court may take a serious note. As far as merits are concerned, the appeal preferred by the petitioner came to be rejected on the ground that his father who is 55 years of age is available to take care of the mother of the petitioner. Moreover, no papers regarding the tests which have been undergone by the mother of the petitioner were annexed. Moreover, the operation of the mother of the petitioner has been postponed by about a year and one and half year. From this it appears that the illness of the mother of the petitioner was not serious.

5. It is on this ground that the appeal preferred by the petitioner came to be rejected. Looking to the order rejecting the appeal, we do not find any fault in the order. Hence, Rule is discharged.

(REVATI MOHITE DERE, J.)

(V.K.TAHILRAMANI, J.)