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

CRIMINAL WRIT PETITION NO. 1378 OF 2017

Takku Singh s/o. Ajit Singh Kalyani

...Petitioner

Vs.

The State of Maharashtra & Ors.

...Respondents

Mrs. Harjeet Kaur Bhagwant Singh, Advocate for the Petitioner

Mrs. G.P. Mulekar, A.P.P. for the State

**CORAM : SMT. V.K. TAHILRAMANI, &
M.S. KARNIK, JJ.**

DATED : 3RD MAY, 2017

P.C. :

1. Heard both sides.

2. The petitioner is seeking death parole on the ground that his brother's daughter Aarti Kaur has expired on 10th March, 2017. As the Petitioner had directly approached this Court and as the application for death parole is always made to the Superintendent of the concerned prison we had directed the present petition itself to be treated as an application to the Superintendent of Yerwada Central Prison, Pune for death parole.

3. The Superintendent of Yerwada Central Prison, Pune was directed to take a decision on this application for parole by 27th April, 2017. Accordingly on 27th April, 2017 the application of the petitioner for death parole came to be decided. The said application was rejected.

4. The learned Counsel for the petitioner submits that the petitioner be released on death parole on account of death of his niece. She submitted that the niece of the petitioner was like his daughter and hence, death parole be granted to him. Rule 18(2) of The Prisons (Bombay Furlough and Parole) Rules, 1959 provides that the Superintendent of Prison can release the convicted prisoner on parole in case of death of his close relation i.e. father, mother, brother, sister, spouse or child of the prisoner. By notification dated 26th August 2016 two more categories are added to this list i.e. parental grandfather or parental grandmother. Thus it is seen that niece is not covered under these Rules. Hence, we do not find any fault with the authority for rejecting the application of the Petitioner for death parole hence, Rule is discharged.