

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1463 OF 2017

|                          |                 |
|--------------------------|-----------------|
| Ramesh Gopinath Munde    | .....Petitioner |
| V/s.                     |                 |
| The State of Maharashtra | .....Respondent |

Ms. Rohini Dandekar, Advocate appointed for Petitioner.  
Mr. H.J.Dedia , APP for Respondent-State.

**CORAM : SMT. V.K. TAHILRAMANI, &  
SANDEEP K. SHINDE, JJ.**

**DATE : June 28, 2017.**

**ORAL JUDGMENT : [Per Smt. V.K.Tahilramani, J.]**

The petitioner preferred an application for parole on 18.5.2016 on the ground of illness of his wife. The said application was granted by order dated 28.6.2016. Pursuant to the said order, the petitioner was released on parole on 4.8.2016 for a period of 30 days, I.e, parole was granted till 2.9.2016 and the petitioner had to surrender on 3.9.2016. In the meanwhile, the petitioner preferred first application for extension of parole that by period of 30 days, the said application was granted and parole period

was extended till 2.10.2016. Thereafter, on 16.9.2016, the petitioner preferred second application for extension of parole for a further period of 30 days on the ground of illness of his wife. The said application was rejected by order dated 18.10.2016. Meanwhile, the petitioner surrendered on 2.11.2016 as soon as extended period of parole which he sought for 30 days was over. Being aggrieved by the order of rejection dated 18.10.2016, the petitioner preferred an appeal which came to be dismissed , hence, this petition.

2           The petitioner has relied upon medical certificates which show that wife of the petitioner has been advised surgery in the second week of October. Genuineness of these medical certificates is not doubted by the respondent. However, the application of the petitioner for extension of parole came to be rejected in view of the Notification dated 26.8.2016 which states that parole period can be extended only for a period of 60 days. However, it is noticed that when the petitioner preferred first application for parole, it was preferred on 18.5.2016, i.e. much prior to this Notification dated 28.6.2016 hence,

this Notification cannot be made applicable to the petitioner. It is also noticed that as soon as 30 days period was over, the petitioner surrendered on 2.11.2016. Had the petitioner been informed of rejection immediately, he would have surrendered back to the prison immediately. However, this rejection letter was not communicated to the petitioner and It came to the knowledge of the petitioner only after he surrendered back to the prison. Looking to the fact that genuineness of the medical certificates is not doubted which certificates show that wife of the petitioner requires surgery and the fact that original application of the petitioner for parole was prior to the Notification dated 28.6.2016, we are inclined to extend parole period for further period of 30 days.

3            Ordered accordingly.

4            Any prison punishment imposed on the Petitioner on account of over stay is set aside.

5            Rule is made absolute in above terms.

6 Office to communicate this order to the jail authorities, i.e., Yerwada Open District Prison Class-I, Pune.

**(SANDEEP K. SHINDE, J) (SMT. V.K. TAHILRAMANI, J)**