

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1479 OF 2017

Govind Kisan Bagade

Age : 36 years, R/at : Humbe Vasti,

Village : Manjargaon, Tal. Karmala,

Dist : Solapur

(At present lodged at Pune Central

Prison, Pune. Convict No.C/16226

.....Petitioner

V/s.

1. The State of Maharashtra

2. The Divisional Commissioner,
Pune Division, Pune.

.....Respondents

Mr. D.G. Khamkar, Advocate for the petitioner.

Mrs. G.P. Mulekar, APP for the State, respondent.

CORAM :-

SMT. V.K. TAHILRAMANI, &

SANDEEP K. SHINDE, JJ.

DATE :-

21ST JULY, 2017.

ORAL JUDGMENT (PER :- SMT. V.K. TAHILRAMANI, J)

1. Heard both sides.

2. The petitioner preferred an application on 30th April, 2016 for parole on the ground of illness of his daughter. The said application was granted by order dated 23rd June, 2016. Pursuant thereto, the petitioner was released on parole for 30 days i.e. from 24th July, 2016 to 22nd August, 2016. Thereafter, the petitioner preferred the first application for extension of parole on 3rd August, 2016 which application was granted and the parole period was extended from 23rd August, 2016 to 21st September, 2016. Thereafter, the petitioner preferred second application for extension of parole on 14th September, 2016. The said application was rejected on the ground that in view of the Notification dated 26th August, 2016 parole cannot be granted for more than 60 days. Being aggrieved by this rejection, the present petition has been preferred.

3. As stated earlier, initially the application of the petitioner for being released on parole was preferred on 30th April, 2016. In this view of the mater, Notification

dated 24th August, 2016 cannot be made retrospectively applicable to the petitioner. If the original application for parole is prior to the Notification dated 26th August, 2016 the said Notification cannot be made applicable to that application or any application preferred thereafter for extension. Hence, we do not consider this to be a good ground to reject the application of the petitioner for extension of parole for further period of 30 days.

4. It is an admitted fact that as soon as extended period of 30 days expired on 21st October, 2016 the petitioner surrendered back to the prison. It is also an admitted fact that, he has diligently followed all the terms and conditions imposed on him while granting parole including reporting to the police station. Looking to the above facts and the Medical Certificate, on humanitarian grounds, the parole period is extended by a further period of 30 days. Any prison punishment imposed on account of overstay of 30 days is set aside. Rule is made absolute in above terms.

Rane

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WP-1479-2017
21.7.2017

(SANDEEP K. SHINDE, J)

(SMT. V.K. TAHILRAMANI, J)