

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2234 OF 2017

Vijay Krishnaji Patil
(C-4394)

.....Petitioner

V/s.

The State of Maharashtra &
2 Ors.

.....Respondents

Mrs. Farhana Shah, Advocate for the petitioner.

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

CORAM :-

SMT. V.K. TAHILRAMANI, &

SANDEEP K. SHINDE, JJ.

DATE :-

2ND AUGUST, 2017.

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

1. Heard both sides.
2. The petitioner is seeking emergency parole on the ground that, his mother is seriously ill.

3. The Learned Counsel for the petitioner submitted, that the application for emergency parole was made to the Superintendent of Kolhapur Central Prison by the petitioner on 19th May, 2017. However, till today, the application has not been decided.

4. The Learned APP has pointed out that, when an application was handed over on 19th May, 2017 there was no Medical Certificate or any document to support the stand of the petitioner that his mother is seriously ill. Hence, the Superintendent of Kolhapur could not take any decision thereon. Thereafter, on 6th June, 2017 the petitioner preferred an application annexing the Medical Certificate to show that his mother was suffering from some medical problem. It is to be noted that, this application was not made to the Superintendent of prison who is the proper authority to grant emergency parole but it was made to the Additional Commissioner of Police. As the Additional Commissioner of Police was not the proper authority to directly consider the application for

release on emergency parole, the said application alongwith the Medical Certificate was sent to the Superintendent of Kolhapur Central Prison. It was in these circumstances, the Superintendent could not take any decision on the application dated 19th May, 2017. Now that the Medical Certificate is before the Superintendent of Kolhapur, he will take necessary decision in the said case within a period of 4 weeks from the date of receipt of this order. Rule is made absolute in above terms.

(SANDEEP K. SHINDE, J)

(SMT. V.K. TAHILRAMANI, J)