

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2762 OF 2017

Manik A. Patil

.....Petitioner

V/s.

State of Maharashtra

.....Respondent

Mr. N.N.Gawankar i/by Mr. Manas N. Gawankar , Advocates
for Petitioner.

Ms. R.M.Gadhvi, APP for Respondent-State.

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

DATE : July 19, 2017.

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

Heard both sides.

2 **Rule.** By consent, rule is made returnable
forthwith and the matter is heard finally.

3 The petitioner preferred an application for parole
on the ground of illness of his wife. The petitioner was
granted parole by this Court by order dated 5.5.2017.
Pursuant thereto, the petitioner was released on parole on

23.5.2017. Thereafter, the petitioner preferred an application for extension of parole for 30 days. Pursuant to the said application by order dated 20.6.2017, extension of parole was granted for 15 days only. On receiving this order, the petitioner preferred another application on 30.6.2017 for extension of parole for a further period of 15 days. This application was rejected by order dated 13.7.2017 hence, this petition.

4 The application of the petitioner for extension of parole was rejected mainly on the ground that in view of the Notification dated 26.8.2016, parole for a period of 45 days only can be granted and only in exceptional circumstances, parole can be granted upto 60 days and according to respondents, as there was no exceptional circumstance, the extension was not granted for total 30 days but only for 15 days. As far as this ground is concerned, Notification dated 26.8.2016 would not be applicable to the petitioner because this Court in its order dated 5.5.2017 in Criminal Writ Petition No.1503 of 2017 preferred by the petitioner has observed that the

application of the petitioner was not preferred on 26.8.2016 as contended by the respondents but infact application was preferred on 10.8.2016 which date is prior to the Notification. Hence, this Court held that in such case, Notification dated 26.8.2016 would not apply to the petitioner. Hence, the first ground on which the application of the petitioner for extension of parole was rejected has no merit.

5 The second ground on which application for extension of parole was rejected was that extension was sought on the ground that the wife of the petitioner was ailing and it was found that the wife of the petitioner is hale and hearty. The third ground on which extension of parole was rejected was that the application for extension of parole was made after delay of 11 days.

6 Thus, the second ground for rejection of the application for extension of parole for 15 days is that wife of the petitioner is hale and hearty. As far as this aspect is concerned, medical papers show that wife of the petitioner

is scheduled for surgery on 19.7.2017. In such case, it cannot be said that she is hale and hearty. Thus, this ground is without substance.

7 Third ground for rejecting application of the petitioner for extension of parole is there is delay of 11 days in preferring application for extension of parole. As far as this ground is concerned, it is seen that the petitioner had initially sought extension of parole for 30 days. This was decided by order dated 20.6.2017 and only extension of 15 days was granted. The petitioner did not contemplate that extension of only 15 days would be granted to him hence, when he got the order stating that he got extension of parole for a period of 15 days only immediately thereafter he preferred an application for extension of parole for further period of 15 days. It was in such case that the delay had occurred.

8 Looking to all the above facts on humanitarian ground, we are inclined to extend parole for a further period of 15 days. Since the extended period of parole

expires on 22.7.2017, the petitioner shall surrender back to the prison on 23.7.2017. It is made clear that no further extension would be granted.

9 Rule is made absolute in the above terms.

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