

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3048 OF 2017

Salim Gaus Mohd. Shaikh (Through Jail) Petitioner
Versus
The State of Maharashtra Respondent

Ms. Rohini M. Dandekar, Appointed Advocate, for the Petitioner.

Mr. Arfan Sait, A.P.P., for the Respondent-State.

**CORAM : SMT. V.K. TAHILRAMANI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.**

DATE : 23RD AUGUST, 2017.

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

1. Heard both sides.
2. Petitioner preferred an application for parole on 6th July 2015. The said application was granted by order dated 16th September 2015. Pursuant thereto, the Petitioner was released on parole on 22nd September 2015 for a period of 30 days. Thereafter, the Petitioner preferred first application for extension of parole on 6th October 2015. The said application was granted and the parole period was extended by a further period of 30 days i.e. till 21st

November 2015. Thereafter, the Petitioner preferred second application for extension of parole on 16th November 2015. The said application came to be rejected. Hence, this Petition.

3. The application of the Petitioner for extension of parole came to be rejected on the ground that the said application was not filed within time and there was delay of 10 days in preferring the application. The second reason for rejecting the application for extension of parole was that, no medical report showing the treatment or test undertaken by the father of the Petitioner was produced. However, it is seen and it is an admitted fact that the Medical Certificate issued by Dr. V.T. Khitani was submitted by the Petitioner along with his second application for extension of parole. This Medical Certificate shows that the father of the Petitioner was suffering from piles, diabetes and high blood-pressure and when the diabetes and high blood-pressure come under control, surgery was to be performed. The genuineness of this medical certificate is not doubted.

4. The Jail record of the Petitioner shows that the Petitioner was released on furlough on 22nd December 2009, 27th August 2011, 15th

January 2015 and 17th June 2016 and the Petitioner reported back to the prison on his own on the due date. Thereafter, it is seen that on 30th January 2012, the Petitioner was released on parole and he reported back to the prison on his own in time. Thereafter, on 8th August 2013, the Petitioner was released on parole and he reported back to the prison on his own, though one day late.

5. Looking to the record of the Petitioner and the fact that the conduct of the Petitioner in Prison is reported to be good, on humanitarian ground, we are inclined to extend the period of parole by a period of 28 days. In case any punishment or fine is imposed on account of overstay, the same is set aside.

6. Writ Petition is allowed. Rule is made absolute in the above terms.

7. Office to communicate this order to the Petitioner, who is in Nashik Road Central Prison.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[SMT. V.K. TAHILRAMANI, J.]