

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3554 OF 2017

Riyazuddin Allauddin Khan @ Pammu	]	
Age : About 35 Years,	]	
R/of B/5, 107, M.M.R.D.A. Colony,	]	
Bhakti Park, Imax Road,	]	
Wadala (East), Mumbai – 400 037.	]	
[Currently lodged in Nashik Road	]	
Central Prison as a convicted	]	
Prisoner C-8479]	]	 Petitioner

Versus

1. The State of Maharashtra,	]	
Through the Secretary,	]	
Home Department, Mantralaya,	]	
2 nd Floor, Main Building,	]	
Madam Cama Road, Mumbai – 400032	]	
	]	
2. The Divisional Commissioner,	]	
Nashik Road, Nashik.	]	
	]	
3. The Superintendent,	]	
Nashik Road Central Prison.	]	 Respondents

Ms. Naima Shaikh for the Petitioner.

Mrs. G.P. Mulekar, A.P.P., for the Respondent-State.

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

DATE : 26TH SEPTEMBER, 2017.

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

1. Heard both sides.
2. The Petitioner preferred an application for parole on 30th March 2016 on the ground of illness of his mother. The said application was rejected by order dated 14th September 2016. Being aggrieved thereby, the Petitioner preferred an Appeal. The Appeal was dismissed by order dated 13th February 2017; hence this Petition.
3. The application of the Petitioner for parole came to be rejected on the ground that, if he is released on parole, there is possibility of the Petitioner committing another offence. However, the 'Jail Record' of the Petitioner shows that, on 12th January 2016, he was released on furlough. He has reported back to the Prison on the due date on his own. There is no record to show that, during this period, the Petitioner had indulged in any illegal activities. The 'Jail Record' is taken on record and marked "X" for identification.
4. Looking to the 'Jail Record' of the Petitioner and, especially, the fact that the Superintendent of Nashik Road Central Prison has recommended to grant parole to the Petitioner, we are inclined to

grant parole to the Petitioner. The Petitioner be released on parole for a period of 30 days on the usual terms and condition, as set out by the Jail Authorities.

5. Writ Petition is allowed.

6. Rule is made absolute in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

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