

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3761 OF 2017

Mehboob Sahebjade Pirjade .. Petitioner
Vs.
The State of Maharashtra and ors. .. Respondents

Ms.Rohini Dandekar, for the Petitioner.
Mrs.G.P. Mulekar, APP for State.

**CORAM : SMT. V.K.TAHILRAMANI &
M.S.KARNIK, JJ.**

12th OCTOBER, 2017

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

1. Heard both the sides.
2. The petitioner preferred an application for parole on the ground of illness of his son. The said application was granted by order dated 15/06/2015. Pursuant thereto the petitioner was released on parole on 06/07/2015 for a period of 30 days. On 21/07/2015, the petitioner preferred first application for extension of parole for a period 30 days. The said application was granted and parole period was extended

from 06/08/2015 to 04/09/2015. Thereafter the petitioner preferred 2nd application for extension of parole for a period of 30 days. The said application came to be rejected by order dated 01/10/2015. Hence, this Petition.

3. 2nd application of the petitioner for extension of parole for son's treatment came to be rejected on the ground that though he was granted 1st extension of parole, however, he has not submitted any papers relating to treatment undergone by his son during the period that he was on parole. Hence, his application for 2nd extension of parole was rejected.

4. The order dated 25/08/2015 whereby 1st extension of parole was granted from 06/08/2015 to 04/09/2015 shows that son had to undergo surgery for Appendicitis. However, he required blood transfusion and other treatment before he underwent the said surgery. Hence, operation could not take place. Thus, the ground of son's illness appears to be genuine.

5. Learned APP drew our attention to the statement of Dr.Mujawar who had examined son of the petitioner on 05/09/2013. She states that Dr.Mujawar has stated that he had not operated son of the petitioner or admitted him in his hospital. This statement shows that Dr.Mujawar examined the son of the petitioner only on 05/09/2013 and thereafter he has not examined son of the petitioner. However, the order granting 1st extension of the parole from 6/8/2015 to 4/9/2015 was granted on the ground that the son 's surgery could not be carried out because he needed blood transfusion and other treatment before he underwent the said surgery. Thus, the ground that son of the petitioner was required to be operated was accepted by the authority while granting 1st extension of parole.

6. The record of the petitioner shows that on 9 occasions he was released on furlough and on all occasions he reported back in time, except one occasion in the year 2013 when he was one day late. He was released on furlough on

03/01/2006, 27/10/2007, 16/04/2009, 27/10/2011, 14/10/2012, 15/10/2013, 09/09/2014, 06/05/2016 & 18/03/2017. The conduct of the petitioner in prison is stated to be good. As stated earlier except on one occasion, when he was released on furlough on 15/10/2013, when he reported one day late, on all other occasions he reported back to the prison on his own on the due date. Looking to this fact and the conduct of the petitioner in prison which is stated to be good, on humanitarian ground, we are inclined to extend the period of parole for a further period of 30 days i.e. from 05/09/2015 for a period of 30 days. Prison punishment imposed if any, on account of over stay, is set aside. Rule is made absolute in the above terms.

7. Office to communicate this order to the petitioner who is in Kolhapur Central Prison, Kalamba , Kolhapur.

(M.S.KARNIK, J.)

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