

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3778 OF 2017

Kumar @ Kalya Kumar Chinnu Devendra .. Petitioner
Vs.
The State of Maharashtra .. Respondent

Ms.Rohini M. Dandekar, for the Petitioner.
Mr.Arfan Sait, 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 sides.
2. The petitioner preferred an application for parole on 13/04/2015 on the ground of illness of his wife. The parole was granted to the petitioner by order dated 16/07/2015. Pursuant thereto, the petitioner was released on parole on 01/08/2015 for a period of 30 days. Thereafter, the petitioner preferred application for extension of parole for further period of 30 days. The said application was granted. Thereafter, the petitioner

preferred 2nd application for extension of parole. The said application reached the Competent Authority i.e. Divisional Commissioner on 21/09/2015. In fact the application has to reach to the Competent Authority by 15/09/2015, thus it is seen that there was delay in sending this application.

3. The petitioner surrendered on 12/11/2015 i.e. after over stay of 42 days. When he surrendered on 12/11/2015, he gave a letter to the Divisional Commissioner, Nashik stating that his son was ill hence he has gone to his native place to meet his son, hence, he could not return in time. However, it is seen that no medical certificate to support the stand taken by the petitioner that his son was ill was produced before the authority nor annexed to this Petition.

4. It is also seen that the petitioner has relied on the railway reservation ticket which is annexed to the Petition which shows that it is from Salem Junction in Tamilnadu to Lokmanya Tilak Terminus, Mumbai. It shows that the ticket is of

09/11/2015. Learned APP pointed out when the petitioner was released on parole by order dated 16/07/2015, one of the conditions imposed on the petitioner was that he will not leave the jurisdiction of Wadala T.T. Police Station, Mumbai without prior permission of the Police Inspector of Wadala T.T. police station. He submitted that no such permission was sought by the petitioner before going to Tamilnadu. Thus, the petitioner has flouted condition imposed on him. Learned APP pointed out that there was another condition imposed on the petitioner that during the period the petitioner was on parole, he will report every day to Wadala T.T. police station, Mumbai. However, the petitioner has not reported to Wadala T.T. police station during the entire period when the petitioner was out side the prison. Thus, it is seen that only in the initial period, he reported to the police station and thereafter he has not reported to the police station. Thus, it is seen that one more condition on which the petitioner was released on parole was flouted by the petitioner. Looking all these facts, we are not inclined to exercise our discretion to extend the period of parole. Hence, rule is

discharged.

5. Office to communicate this order to the petitioner who is in the Nashik Road Central Prison.

(M.S.KARNIK, J.)

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