

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3930 OF 2017

Hambirrao Bhauso Khamkar

.. Petitioner

Vs.

The State of Maharashtra and ors.

.. Respondents

Ms.Rohini M. Dandekar, for the Petitioner.

Mr.Arfan Sait, APP for State.

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

08th NOVEMBER, 2017

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

1. Heard both sides.
2. The petitioner preferred an application for parole on 22/04/2016. The said application was granted by order dated 20/06/2016. Pursuant thereof, the petitioner was released on parole on 14/07/2016 for a period of 30 days. Thereafter, the petitioner preferred an application being the first application for extension of parole. This application was granted and the parole period was extended for a further period of 30 days i.e.

from 14/08/2016 to 12/09/2016.

3. Thereafter, the petitioner preferred second application for extension of parole on 26/08/2016. The said application was rejected by order dated 17/10/2016. Being aggrieved thereby, the petitioner preferred an Appeal. The said Appeal came to be dismissed on 07/07/2017. Hence, this Petition.

4. The petitioner is seeking second extension of parole i.e. from 13/09/2016 to 12/10/2016. It is an admitted fact that the petitioner has surrendered on 12/10/2016.

5. The application of the petitioner for second extension of the parole came to be rejected in view of the notification dated 26/08/2016. The said notification states that initial parole can be granted for 45 days and the same parole period can be extended only upto 60 days once in 3 years. However, it is to be noted that the application by the petitioner

for parole was made on 22/04/2016 i.e. much prior to the notification. Hence, notification dated 26/08/2016 cannot be made retrospectively applicable to the application of the petitioner. The sole ground on which second application for extension of parole came to be rejected is notification dated 26/08/2016. As observed by us, this notification cannot be made applicable to the case of the petitioner who preferred his initial application for parole on 22/04/2016.

6. In this view of the matter, the orders dated 17/10/2016 and 07/07/2017 are set aside. The parole period is extended by 30 days.

7. Rule is made absolute in the above terms. Office to communicate this order to the petitioner who is in Kolhapur Central Prison, Kalamba.

(M.S.KARNIK, J.)

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