

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4093 OF 2017**

Muzammil Umar Kadri	]
Adult, Indian Inhabitant, presently	]
lodged at Nashik Road Central Prison	]
Nashik, bearing Convict No. C/6353	]
Nashik Residing at Post Mendadi,	]
Taluka Mhasala, Dist. Raigad	].. Petitioner

Vs.

1) The State of Maharashtra	]
through Secretary, Home	]
Deptt. Mantralaya, Mumbai-32	]
	]
2) The Tahsildar,	]
(General Administration)	]
The Divisional Commissioner,	]
Nashik	]
3) The Superintendent,	]
Nashik Road, Central Prison,	]
Nashik	].. Respondents

....

Mrs. A.M.Z. Ansari along with Mrs. Nasreen S.K. Ayubi Advocate
for Petitioner
Mr. Arfan Sait A.P.P. for the State

....

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

DATED : NOVEMBER 27, 2017

ORAL JUDGMENT [PER SMT. V.K.TAHILRAMANI, J.]:

1 Heard both sides.

2 The petitioner preferred an application on 14.3.2016 for parole on the ground of illness of his wife. The said application was rejected by order dated 17.6.2016. Being aggrieved thereby, the petitioner preferred an appeal. The appeal was dismissed by order dated 17.7.2017, hence, this petition.

3 According to the petitioner, his wife is suffering from tumor in breast (Rt side) and it is necessary that the tumor in the breast needs to be investigated and to be referred for surgery if required. In order to substantiate his claim that the wife has a tumor in breast or surgery is necessary, reliance is placed on a medical certificate dated 25.2.2016 issued by Dr. Das of Deshmukh Nursing Home, Mahad - Raigad. The statement of Dr. Das has been recorded by police on 18.11.2017. Dr. Das has stated that on 25.2.2016 he was not attached to the said Nursing Home during that period and he stopped working in Deshmukh Nursing Home in September, 2015 and he has not issued the said certificate. Thus, the statement of Dr. Das shows that he has not issued the

certificate dated 25.2.2016. This shows that the petitioner has relied on a forged medical certificate in order to get parole.

4 To the present petition, the medical certificate dated 24.7.2017 issued by Dr. Prashant Gaikwad attached to Zilla Parishad Hospital, Mhasala, Dist. Raigad has been annexed to substantiate the claim that the wife of the petitioner has tumor in the breast. Mhasala Police has made enquiries with Dr. Prashant Gaikwad in relation to the certificate which has been annexed by the petitioner to this petition. Dr. Gaikwad has stated that on 24.7.2017, the wife of the petitioner had come to his hospital and she informed him that her husband was working in Saudi Arabia and he is not getting leave to come to India, hence, she requested him to give a certificate stating that she has a tumor in the right breast. Dr. Gaikwad has stated that he examined Mrs. Farzana Muzzamil Kadiri who is the wife of the petitioner and he found that she had no tumor, hence, he refused to give her a certificate. Thereupon, she informed him many difficulties in the house and stated that since two years, her husband had not come home from Saudi Arabia and she emotionally pressurized him, due to which, in these

circumstances, Dr. Gaikwad issued the said certificate. Thus, it is seen that ground on which parole has been sought, did not and does not at all exist. In fact, as far as earlier medical certificate dated 25.2.2016 is concerned, it is clearly a forged certificate. This shows that the petitioner is relying on false and forged certificates in order to seek his release on parole. This conduct on the part of the wife of the petitioner is totally deprecated. The copies of medical certificate dated 25.2.2016, two statements of Dr. Das and statement of Dr. Prashant Gaikwad are taken on record and marked as **Exhs. A to D**.

5 In view of the above facts, we are not inclined to grant parole to the petitioner, hence, petition is dismissed. Rule is discharged.

[**M.S.KARNIK, J.**]

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