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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4310 OF 2017

Laxman @ Bhimagonda Apayya Patil	.. Petitioner
Vs.	
The State of Maharashtra & anr.	.. Respondents

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Ms. Rohini M. Dandekar, Advocate appointed for the petitioner.

Mr. Arfan Sait, A.P.P. - State.

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**CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 6th DECEMBER, 2017.

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

Heard both sides.

2. The petitioner preferred an application for parole on the ground of illness of his wife. The said application was granted pursuant to which he was released on parole on 13/7/2016 for a period of 30 days i.e. 14/7/2016 to 12/8/2016.

On 25/7/2016 the petitioner preferred his first application for extension of parole leave for further period of 30 days that is till 11/9/2016. The said application came to be granted. Thereafter, the petitioner preferred second application for extension of parole leave on 25/8/2016 for a period of 30 days that is till 12/10/2016. The said application was not decided till 12/10/2016, hence, as soon as the period of 30 days was over, the petitioner surrendered to the prison on 12/10/2016. Much thereafter, the application for extension of parole came to be rejected on 10/2/2017. The appeal against the said order was rejected on 25/7/2017, hence, this petition.

3. Learned Counsel for the petitioner submitted that the second application for extension of parole came to be rejected on the ground that Notification dated 26/8/2016 states that parole can be granted only for 45 days and can be extended by a further period of 15 days only. In view of this Notification, the second application of the petitioner for parole came to be rejected. She pointed out that the application of the petitioner

for parole was much prior to the Notification which is seen from the fact that the application for parole was granted pursuant to which he was released on 13/7/2016. Thus, she submitted that this Notification cannot be made retrospectively applicable to the petitioner. We find this contention to be correct. The said Notification cannot be made applicable to the petitioner. On the date of the application for parole, parole could be granted for 30 days with maximum of two extensions of 30 + 30 days. The medical certificate shows that the wife of the petitioner is suffering from many medical problems. In addition, the jail record of the petitioner shows that from the year 2006, he has been released on furlough on ten occasions and on all the occasions he has reported back to the prison on due date on his own. In addition, the petitioner was released on parole on five occasions and except on one occasion when he reported one day late on the remaining four occasions he reported back on due date on his own. In addition, it is stated that the conduct of the prisoner is good. It is also an admitted fact that as soon as the extended period of 30 days got over, the petitioner surrendered

back to the prison on 12/10/2016 on his own. Looking to all these facts, we are inclined to grant extension of parole to the petitioner for a further period of 30 days i.e. 13/9/2016 to 11/10/2016.

4. Rule is made absolute accordingly.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)