

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 4975 OF 2017**

|                          |                |
|--------------------------|----------------|
| Rajesh Sangamlal Jaiswal | ... Petitioner |
| Versus                   |                |
| The State of Maharashtra | ... Respondent |

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Ms. Rohini M. Dandekar for the Petitioner.  
Mr. Arfan Sait, APP for the State.

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**CORAM : SMT. V. K. TAHILRAMANI, Acting C.J. &  
M. S. KARNIK, J.**

**DATE : 18<sup>th</sup> DECEMBER, 2017.**

**P. C. :**

1. Heard both the sides.
  
2. The petitioner preferred application dated 05/02/2016 for parole on the ground of illness of his mother. The said application was rejected by order dated 14/09/2016. Being aggrieved, the petitioner preferred appeal. The appeal was rejected by order dated 28/11/2016. Hence, this petition.
  
3. In order to substantiate the claim of the petitioner that his mother is suffering from medical problem, the petitioner has relied on the medical certificate issued by Dr. M. A. Shaikh, 2,

Pradhan Building, M. Shaukat Ali Road, Mumbai. The medical certificate shows that mother of the petitioner is suffering from DUB (Dysfunctional Uterine Bleeding) and she is required to undergo operation for removal of uterus.

4. The application of the petitioner for parole came to be rejected on the ground that he has not produced any medical reports to substantiate the claim that his mother is required to undergo an operation. Except the certificate issued by Dr. M.A. Shaikh, nothing has been produced by the petitioner to substantiate his claim that it is necessary for his mother to undergo surgery. It is to be noted that the co-accused of the petitioner one Suraj Nepali @ Suraj Lalsing Chand also preferred an application in order to seek parole. He had stated that his mother is ill. In order to substantiate this fact, he has also relied on a certificate issued by Dr. M. A. Shaikh. It is seen that Dr. Shaikh has issued identical medical certificate in the case of the co-accused Suraj Nepali @ Suraj Lalsing Chand. Suraj was granted parole on the basis of this medical certificate and he absconded. Ultimately, he had to be traced and arrested by the Police and brought back to the prison.

5. The jail record shows that one other prisoner Rafiq Shaikh who had preferred Writ Petition No. 4145 of 2017 had also when he sent his application for parole to the authorities had relied on a medical certificate issued by Dr. M.A. Shaikh. The contents of the said certificate are identical to the certificate in case of the petitioner and co-accused.

6. It appears to be too much of a coincidence that, in cases of three different prisoners exactly identical medical certificates have been given by Dr. M. A. Shaikh. This medical certificate is not supported by any medical record. The petitioner has not produced any medical reports to substantiate his claim that his mother is required to undergo surgery. In addition, it is seen that the petitioner has four brothers. The parents of the petitioner are residing with one of the brothers. Two other brothers are residing in the nearby locality. One other brother is residing in the same Chawl as the parents of the petitioner. Thus, these brothers can very well take care of the mother of the petitioner in case she is required to undergo surgery.

7. Looking at the above facts, we are of the opinion that it is not a fit case to grant parole to the petitioner. The writ petition is therefore dismissed. Rule is discharged.

**( M. S. KARNIK, J. )**

**( ACTING CHIEF JUSTICE )**