

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4476 OF 2016**

Vinod @ Sai Damodar Ghogle]
Aged 32 years, Occ: Builder]
Residing at Vikhroli, Mumbai]
(At present undergoing sentence]
imposed upon him at Nashik Road]
Central Prison as Convict No.C/10221].. Petitioner

Vs.

1) The Principal Secretary]
Home Department,]
The State of Maharashtra]
]]
2) The Divisional Commissioner,]
Nashik Division, Nashik].. Respondents

....
Mrs. Pooja R. Thakur Advocate for Petitioner
Mr. H.J. Dedia A.P.P. for State
....

**CORAM : SMT.V.K.TAHILRAMANI AND
REVATI MOHITE DERE, JJ.**

DATED : JANUARY 24, 2017

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

1 Heard both sides.

2 The petitioner preferred an application for parole on
the ground of illness of his mother. It was stated that the

mother of the petitioner requires surgery of spine. The appellate authority granted parole to the petitioner by order dated 26.2.2016. Pursuant to the said order, the petitioner was released on parole on 27.2.2016 for a period of 30 days. On 8.3.2016 the petitioner preferred an application for extension of parole for a period of 30 days. Thereafter on 12.4.2016 the petitioner preferred second application for extension of parole for a further period of 30 days. Both the applications were rejected by common order dated 12.8.2016, hence, this petition. Both the applications for extension of parole were rejected on the ground that the same reason was being given again and again for postponing the surgery of the mother of the petitioner.

3 When the petitioner made first application for parole, the petitioner relied on medical certificate dated 7.3.2016 which states that mother of the petitioner required surgery of spine but in view of the uncontrolled blood pressure and abnormal blood report, the surgery is being postponed for a period of 3 to 4 weeks. While making second application for extension of parole, reliance was placed on medical certificate

dated 5.4.2016 which states that Sunita Damodar Ghogale (mother of the petitioner) requires spine surgery but in view of uncontrolled blood pressure, surgery is postponed for a period of 3 to 4 weeks. It does not take 3 to 4 weeks for blood pressure to be brought under control. It does appear that the same reason has been given again and again for postponing the surgery. Hence, there is merit in the order of rejection. In addition, it is seen that the father of the petitioner and wife of the petitioner are very much there at home to take care of the mother of the petitioner which is seen from the report of the Senior Inspector of Police of Vikhroli Police Station, Mumbai, which is tendered by the learned A.P.P. The same is taken on record and marked **"X-colly."** for identification. From the said report, it is seen that the father of the petitioner is just 65 years of age and he is capable of taking care of his wife. Hence, we are not inclined to grant the prayer of the petitioner.

4 The learned counsel for the petitioner states that a show cause notice has been issued to the petitioner whereby it is proposed that punishment will be imposed for the period of overstay. She seeks liberty to file a fresh petition if any

punishment is imposed. Liberty as prayed for is granted.

5 In view of the above, we are not inclined to interfere.
Hence, petition is dismissed. Rule is discharged.

[REVATI MOHITE DERE, J.]

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

Kandarkar