

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Writ Petition No.171 of 2017

(Vinod Ramrao Panchang

vs.

The Divisional Commissioner, Nagpur Division, Nagpur and another)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Ms. S.B. Khobragade, Advocate for the Petitioner.
 Shri A.D. Sonak, A.P.P. for the Respondents.

CORAM : B.R. GAVAI AND
KUM. INDIRA JAIN, JJ.

DATE : MARCH 10, 2017.

Heard.

The application of the petitioner for extension of the parole has been rejected on the ground that in view of Rule 26 of the Prisons (Bombay Parole and Furlough) Rules 1959, once the prisoner surrenders, the extension cannot be granted.

The petitioner seeks leave to challenge the validity of the said rule.

At the moment, we are not considering the question relating to discretionary jurisdiction. However, taking into consideration the peculiar facts and circumstances, we find that this is a fit

case wherein this Court can exercise extraordinary jurisdiction under Article 226 of the Constitution of India.

The petitioner, after his release on parole for seven days, has surrendered himself within the stipulated time. Since, the ritual programme of the petitioner's wife is scheduled to be performed on 12th March, 2017 and taking into consideration that the petitioner after release on parole has surrendered on the schedule date, we find that the interest of justice demands that the petitioner should be released on parole for the period of seven days from today. Hence, the following order :

The petitioner is, therefore, directed to be released on parole for a period of seven days from today on his furnishing a surety to the satisfaction of the Prison Authority.

The learned A.P.P. is requested to communicate the said order to the Prison Authority.

The petition is disposed of accordingly.

JUDGE

JUDGE