

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 678/2017

(VAIBHAV KHUSHALRAO TIJARE (IN JAIL) **VERSUS** THE DIVISIONAL COMMISSIONER, NAGPUR
DIVISION & ANOTHER)

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

Court's or Judge's orders

Shri Nagman Ali, counsel for the petitioner.
Mrs. N.R. Tripathi, A.P.P. for the respondent/State.

CORAM : SMT. VASANTI A NAIK AND
M.G. GIRATKAR, JJ.

DATE : AUGUST 11, 2017.

By this criminal writ petition, the petitioner challenges the order of the Divisional Commissioner, dated 05.07.2017 and seeks a direction against the respondents to release the petitioner on parole for a period of thirty days.

According to the petitioner, his mother is suffering from Bladder Cystectomy and is required to undergo a bladder surgery. It is stated that the petitioner being the son of the patient, the presence of the petitioner would be necessary for taking care of his mother in the hospital and for a few days after she is discharged. It is stated that the police vigilance report is favourable to the petitioner. It is stated that only because the petitioner was required to be brought to the prison by the police authorities after he had overstayed the parole leave by seven days, his application was rejected.

Mrs. Tripathi, the learned Additional Public Prosecutor appearing for the respondents, supported the impugned order and submitted that since the petitioner had not surrendered on his own and was required to be brought to

the prison by the police authorities, the Divisional Commissioner has rightly rejected the application of the petitioner.

In the circumstances of the case, it would be necessary to grant an opportunity to the petitioner, as only on one occasion the petitioner had overstayed the parole leave and was required to be brought to the jail by the police authorities. The learned counsel for the petitioner has stated that this time, the petitioner would not overstay the parole leave and would return to the jail on the expiry of the same. In the circumstances of the case, specially when the mother of the petitioner is required to be operated and the operation is a major operation, the prayer made by the petitioner needs to be granted.

Hence, for the reasons aforesaid, the writ petition is allowed. The impugned order is quashed and set aside. The Divisional Commissioner is directed to pass an order releasing the petitioner on parole leave on the regular conditions that are liable to be imposed.

Order accordingly.

JUDGE

JUDGE