

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

CRIMINAL WRIT PETITION NO. 864/2017

(KIRAN UMARAOJI KAITHE (IN JAIL) **VERSUS** DIVISIONAL COMMISSIONER, NAGPUR DIVISION,
 NAGPUR & 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, counsel for the petitioner.
 Ms T.Khan, A.P.P. for the respondents.

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

DATE : SEPTEMBER 28, 2017.

By this criminal writ petition, the petitioner challenges the order of the Divisional Commissioner, Nagpur, dated 28.08.2017, rejecting the application of the petitioner for parole leave.

Ms Khobragade, the learned counsel for the petitioner, states that the parole leave application of the petitioner is rejected only on the ground that when on the earlier occasion, he was released on parole leave, he was required to be brought to the prison through the police authorities. It is submitted that a chance may be given to the petitioner to mend his ways. It is stated that if this Court directs the respondents to release the petitioner on parole leave, the petitioner would surrender on the due date.

We accept the statement made on behalf of the petitioner that one more opportunity need to be given to the petitioner to mend his ways as he has undertaken to return to prison on the due date.

Hence, by quashing and setting aside the impugned order, we direct the respondents to release the petitioner on parole leave within seven days from the date on which all the formalities are complied with.

The writ petition is disposed of in the aforesaid terms. Order accordingly.

JUDGE

JUDGE

APTE