

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

CRIMINAL WRIT PETITION NO. 980/2016.

Govinda Kisnaji Thokale

-VERSUS-

The Divisional Commissioner, Nagpur and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
& V.M. DESHPANDE, JJ.

DATE : MAY 02, 2017.

Heard Ms. P.P. Chobe, learned Counsel
(appointed) for the petitioner and Ms. N.R. Tripathi,
learned A.P.P. for respondents.

2. Request made by the petitioner seeking
extension of parole leave came to be rejected on
07.01.2010. It appears that thereafter, for late
reporting by 72 days, a remission cut of 360 days i.e.
by adhering to the ratio of 1:5 days has been passed.
From communication dated 27.07.2016 sent by the
Officiating Superintendent of Morshi Open Prison to

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the Registrar of this Court, it appears that review sought for by the petitioner was rejected.

3. We have heard respective counsel and perused papers. Learned counsel [appointed] for the petitioner does not have full instructions and therefore is not aware of any show cause notice given to the petitioner before inflicting prison punishment or then stand in reply to it, if any.

4. Learned A.P.P. is relying upon the reply-affidavit to urge that petitioner reported late and thereafter sought extension for the period for which he was late. She points out that as per the amended provisions, maximum parole leave admissible is only 45 days.

5. The amended provision will not be applicable in this case, as this Court is considering the surrender belatedly way back in the year 2010. Petitioner has reported back himself and was not required to be arrested. Record show that he was released on parole for 30 days for repairs of his house. He moved application for its extension on 04.01.2010. Thereafter, he has reported back voluntarily.

6. The reply affidavit on record does not

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show that within 30 days work of repairs was complete and still petitioner had sought extension. Petitioner also has not pointed out that within 30 days he had completed any particular portion and for completing remaining part he required extension. Application moved by him for extension on 04.01.2010, is not available on record and for that purpose the learned counsel [appointed] for the petitioner is seeking time till after vacation to obtain documents and place the same before this Court for consideration.

7. This Court has issued on 06.02.2017, and issue is more than 7 years old. In this situation, instead of calling for documents and trying to find out the correct position, we find it appropriate to direct the respondents to apply their mind afresh on the question of extension of parole leave on the lines mentioned *supra*.

8. Respondents shall accordingly look into the request for extension within a period of three months from today and pass suitable orders again.

9. Keeping all rival contentions open and with opportunity to petitioner to approach again, if he is aggrieved by the said order, we dispose of the

present Writ Petition. No costs.

10. Fee payable to the learned counsel [appointed] for the petitioner is quantified at Rs.1500/-.

JUDGE

JUDGE

Rgd.