

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION NO. 23356 of 2017

ORDER :

Heard both sides.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondents in not enquiring the genuinity of the plea for parole and rejecting the request summarily, as illegal and arbitrary.

The case of the petitioner is that her husband was convicted for an offence punishable under Section 302 of IPC and he was sentenced to suffer imprisonment for life in SC No. 480 of 2009, pursuant to which the petitioner is said to have preferred an appeal vide CrI.A.No.1186 of 2016, which is pending before this Court.

It is well established law that pending appeal, the petitioner if he/she intends to seek release of accused, the remedy available for him/her is only by way of filing a bail application in the criminal appeal which is pending before the High Court. In fact, it is brought to the notice of this Court that such an application was filed, and the same was rejected.

Having regard to the above circumstances, this Court is of the view, that the request of the petitioner for grant of parole cannot be considered and the writ petition is accordingly dismissed. No costs.

Consequently, miscellaneous petitions, if any pending,
shall stand closed.

JUSTICE C. PRAVEEN KUMAR

14.07.2017
vhb

