

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1009 OF 2018

Amol Ambadas Bankar

...Petitioner

Versus

The State of Maharashtra

...Respondent

Ms Rohini Dandekar – Advocate appointed for Petitioner.

Mrs. G. P. Mulekar – APP for State – Respondent.

**CORAM: SMT. V. K. TAHILRAMANI, Acting C. J. &
M. S. SONAK, J.**

DATE : 18 APRIL 2018

ORAL JUDGMENT:(Per:SMT. V.K. TAHILRAMANI, Acting C.J)

1] Heard both sides.

2] The petitioner is praying for extension of parole.

3] The petitioner preferred an application for parole on 3rd March 2014, on the ground of illness of his mother. The said application was rejected by the Divisional Commissioner, Pune. Being aggrieved thereby, the petitioner preferred an appeal to the State Government. The Government granted the application by order dated 25th August 2015. Pursuant to the said order, the petitioner was released on parole on

29th August 2015 for a period of 30 days. Thus the petitioner had to report back to the prison on 28th September 2015. Thereafter the petitioner preferred first application for extension of parole for a further period of 30 days, this application was preferred on 3rd September 2015. The said application was rejected by order dated 21st September 2015. Meanwhile, the petitioner preferred second application for extension of parole on 7th October 2015 seeking further extension of parole by a period of 30 days. As the first application of the petitioner was rejected on 21st September 2015, the petitioner was arrested by the police and brought back to the prison on 20th October 2015. Thus there was overstay of 22 days on the part of the petitioner. On account of overstay of 22 days prison punishment of cutting of remission of 88 days was imposed on the petitioner i.e. for each day of overstay 4 days of remission was cut. The petitioner is seeking extension of this period of overstay.

4] The petitioner has sought extension of parole on the ground that his mother was ailing and he relied on medical certificate dated 2nd September 2015 which showed that

his mother was suffering from hypertension, anemia and breathlessness. Certificate of the doctor shows that the mother of the petitioner needs prolonged treatment and investigation and that she was unfit for surgery.

5] We do not think that the petitioner's mother's ailment was so serious in nature that the parole period should be extended.

6] Ms Dandekar states that at least on humanitarian ground the prison punishment may be reduced.

7] In view of the prayer made, on humanitarian ground, the prison punishment is reduced to ratio of cutting of remission of 2 days for each day of overstay i.e. instead of cutting of remission of 88 days, the remission of only 44 days will be cut. Security deposit which is forfeited, be returned back to the petitioner.

8] Rule is made absolute in above terms.

9] Office to communicate this order to the petitioner who is in Kolhapur Central Prison, Kalamba, Kolhapur.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)