

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI.W.P. 2796 OF 2018**

Kiran Balasaheb Maske
C/6249, Kolhapur Central Prison,
Kalamba, Kolhapur

.. Petitioner

Vs.

The State of Maharashtra

.. Respondent

....
Ms. Rohini Dandekar Advocate appointed for Petitioner
Mrs. G.P. Mulekar APP for State
....

**CORAM : SMT.V.K.TAHILRAMANI ACTING C.J.
AND M.S.SONAK, J.**

DATED : AUGUST 03, 2018

ORAL JUDGMENT [PER SMT. V.K.TAHILRAMANI, ACJ.]:

1 Heard both sides.

2 The petitioner is seeking extension of parole for
a period of eight days.

3 The petitioner preferred an application on
17.3.2016 for parole on the ground of illness of his mother.
The said application was granted by order dated
30.6.2016. Pursuant thereto, the petitioner was released

on parole on 4.7.2016 for a period of 30 days. On 14.7.2016, the petitioner preferred an application for extension of parole for a further period of 30 days. The said application was rejected on 9.8.2016 as the medical certificate was not clear. It is an admitted fact that the petitioner surrendered back on 12.8.2016 i.e. after the period of eight days from the date that he was supposed to surrender.

4 Mrs. Dandekar submitted that the order of rejection is dated 9.8.2016. As soon as it was served on the petitioner, the petitioner had surrendered back to the prison on 12.8.2016. She submitted that that was the earliest date, the petitioner could surrender back to the prison. She submitted that in such case, on humanitarian ground the parole period be extended by eight days and the prison punishment imposed on the petitioner for overstay of parole for eight days, be set aside.

5 It is seen that the petitioner had surrendered back on his own to the prison on 12.8.2016. It is not the case that the petitioner was absconding and he was

arrested by the police and was brought back to the prison. There is no lapse of time on the part of the petitioner in surrendering back to the prison from the date of communication to the petitioner. In view of all these facts, on humanitarian ground, we extend the parole period for eight days. Prison punishment on account of overstay imposed if any, is set aside. Rule is made absolute in above terms. Petition is allowed and is disposed of accordingly.

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

M.S.SONAK, J.

ACTING CHIEF JUSTICE