

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

CRIMINAL APPLICATION NO. 17 OF 2018  
IN  
CRIMINAL WRIT PETITION NO. 2813 OF 2017

|                             |     |             |
|-----------------------------|-----|-------------|
| Nitin Pandurang Vaiti       | ... | Applicant   |
| V/s.                        |     |             |
| State of Maharashtra & ors. | ... | Respondents |

Mr. Omkar G. Nagvekar for the applicant.

Mr. Arfan Sait, APP for the State.

***CORAM : NARESH H. PATIL AND  
NITIN W. SAMBRE, JJ.***

***25<sup>th</sup> January, 2018.***

**P.C.**

The applicant was convicted and sentenced in Sessions Case No.144/2011 by Sessions Court, Thane on 18<sup>th</sup> February, 2016 for life imprisonment. The learned Prosecutor further submits that alongwith applicants 6 others were convicted in the case. The incident in question in criminal case is stated to be of 2011 and according to learned Prosecutor the applicant was apprehended in the year 2013 by police and was arrested to stand for trial.

2. The applicant was released on parole for a period of 30 days by Divisional Commissioner on 28<sup>th</sup> December, 2017 on the ground that his mother was not keeping well and had to undergo an Angiography procedure. The Counsel submits that the Doctors opined that angioplasty is required to be done. The date of procedure to be conducted is not fixed. The applicant has to arrange for finance for said purpose. Though the applicant has brother and sister but it is submitted that due to natural love and affection towards mother, applicant feels that his presence would matter a lot and for that purpose he seeks extension of parole leave. Learned Counsel submits that after two weeks, applicant may surrender to jail authorities.

3. The police had recorded statements of the medical officer concerned and had gathered information. The applicant did not jump the conditions of parole but the learned Prosecutor is of the view that as there are other elder members in the family to look after the mother, extension need not to be granted.

4. We have perused the record, considered the submissions advanced. We find substance in the submissions advanced by learned Prosecutor. It is true that being a son, the applicant is entitled to show concern towards well being of his mother but the fact remains that there are other elder members who can take care of his mother. In case in future it is found necessary that applicant's presence is required, he is at liberty to resort to appropriate remedy.

5. For the present, we are not inclined to allow the request made by the applicant. The application stands rejected.

6. The applicant Nitin Pandurang Vaiti shall surrender himself to jail authorities on 28<sup>th</sup> January, 2018. If applicant fails to surrender on the aforesaid date, the jail authorities shall take necessary steps.

**(NITIN W. SAMBRE, J)**

**(NARESH H. PATIL, J.)**

L.S. Panjwani, P.S.