

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL W.P.NO. 2349 OF 2018

Ravichand @ Raja Madanchand
Thakur, C/600
Presently lodged
at Taloja Central Prison. .. Petitioner

Vs.

The Principal Secretary, Home Deptt.
Mantralaya, Mumbai and Ors. .. Respondents

....
Mrs. Pooja R. Thakur Advocate for Petitioner
Mr. Arfan Sait 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 preferred an application for parole on 15.2.2018. The said application came to be rejected by order dated 26.2.2018. Being aggrieved thereby, the

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petitioner preferred an appeal. The said appeal came to be dismissed by order dated 4.5.2018, hence, this petition.

3 The application of the petitioner came to be made on the ground that the mother of the petitioner was suffering from post menopausal bleeding with hypothyroidism with hypertension since 1½ year and Hysterectomy operation has been advised. The application came to be rejected on the ground that in relation to the operation no medical reports were produced and no medical papers were annexed showing the treatment which the mother of the petitioner was undergoing. The application also came to be rejected on the ground that the wife of the petitioner is competent to take care of the mother of the petitioner.

4 It is noticed that there is certificate dated 7.2.2017 annexed to the petition which states that the mother of the petitioner is suffering from “post menopausal bleeding with hypothyroidism with hypertension” and Hysterectomy operation was necessary. We may make a reference to the fact that the petitioner

had earlier preferred an application for parole on the ground of illness of his mother. Pursuant thereto, the petitioner was released on parole by the jail authorities for a period of 7 days. Normally parole is granted for a period of 30 days and by order dated 14.12.2016 passed in Criminal W.P. No. 4257 of 2016, parole was granted for a period of 30 days. Extension of parole was sought on the ground that the mother of the petitioner requires Hysterectomy operation which was scheduled on 28.12.2016, however, as she was found unfit for surgical procedure due to diabetes, Hysterectomy operation was rescheduled to 27.1.2017. Looking to this fact, this Court by order dated 9.1.2017 in Cri. W.P. No. 24 of 2017 extended the parole period for a further period of 30 days from 15.1.2017. Thereafter the petitioner preferred W.P. No. 562 of 2017 seeking further extension of parole for 30 days, on the ground that hysterectomy operation was not performed as the medical reports were not within normal limits, hence, the hysterectomy operation had been rescheduled. In such case, the parole period was extended by this Court by order dated 14.2.2017 in Cri. W.P. No. 562 of 2017 for a further period of 30 days on the

same ground i.e. it is necessary to perform hysterectomy operation. Thus, it is seen that on the same medical ground of hysterectomy operation of his mother, the petitioner has sought parole earlier and he was granted parole leave for a period of 30 days in December 2016 which was extended by 60 days. Thus, till March, 2017, the petitioner was on parole on the ground of hysterectomy operation of his mother. Thereafter, it is seen that the petitioner was released on furlough on 5.10.2017. During the period of furlough, the petitioner could have very well taken care of his mother and got the necessary surgery done, however, nothing of that sort was done.

5 Now again the petitioner is seeking parole for a period of 30 days on the same ground of operation of his mother for Hysterectomy. Thus, it is seen that though from 16.12.2016 to 16.3.2017 the petitioner was on parole and from 5.10.2017 to 1.11.2017 i.e. for 28 days the petitioner was released on furlough, no operation of the mother of the petitioner was carried out and again the petitioner is seeking parole on the same ground. Thus it is

seen that time and again the petitioner is seeking to be released on parole on the very same ground. This raises doubt about the genuineness of the medical problem of the mother of the petitioner.

6 As stated earlier, the application of the petitioner for parole also came to be rejected on the ground that the wife of the petitioner is competent to take care of the mother of the petitioner. The order of rejection shows that the wife of the petitioner is a practising advocate. The fact that the wife of the petitioner is a practising advocate and regularly practices in the High Court, is not disputed on behalf of the petitioner. The fact that the mother of the petitioner, wife of the petitioner and daughter of the petitioner all reside jointly, is not disputed. Thus, the wife of the petitioner is capable of taking care of her mother-in-law.

7 Looking to all the above facts, we are of the opinion that no case is made out for interference, hence, Rule is discharged. Petition is dismissed.

M.S.SONAK, J.

ACTING CHIEF JUSTICE