

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2433 OF 2018

Jaywant A. Patil	...Petitioner
Versus	
The State of Maharashtra	...Respondent

Mr. Satyavrat Joshi for the Petitioner.
Mr. Arfan Sait, APP for the Respondent-State.

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

DATE : 12.07.2018.

ORAL JUDGMENT [PER SMT. V.K. TAHILRAMANI, A.C.J.] :

- 1] Heard both sides.
- 2] The petitioner had preferred an application for parole on 19.09.2017 on the ground of illness of his mother. The said application was rejected by order dated 09.01.2018. Being aggrieved thereby, the petitioner preferred an appeal. The appeal came to be rejected by the order dated 04.05.2018. Hence, this petition.
- 3] The application of the petitioner for parole came to be rejected mainly on the ground that there are other persons

in the family, who are capable of taking care of the petitioner's mother, hence, it is not necessary to release the petitioner on parole.

4] Learned APP points out that the mother of the petitioner resides in a joint family, which consists of (1) wife of the petitioner, i.e., Manisha Patil; (2) Two sons of the petitioner, i.e., Suraj Patil, age 19 years and Satej Patil, age 17 years; (3) Shobha Patil, sister-in-law of the petitioner, i.e., daughter-in-law of the mother of the petitioner; (4) Kum. Sai Patil, niece of the petitioner, i.e., granddaughter of the petitioner's mother; (5) Kum. Manasvi, niece of the petitioner, i.e., granddaughter of mother of petitioner; (6) Smt. Mandatai Patil, paternal aunt of the petitioner and (7) Uttam Patil, cousin brother of the petitioner. Thus, it is clear that there are sufficient persons in the house to take care of the mother of the petitioner and to ensure that she gets necessary treatment.

5] In addition, learned APP pointed out that in order to seek parole, the petitioner had annexed medical certificate dated 30.8.2017 to his application for parole dated

19.9.2017. In the said certificate, it is stated that the mother of the petitioner requires angiography and angioplasty. Ld. APP pointed out that in the year 2013, the petitioner had applied for parole, at that time to seek parole, the petitioner relied on medical certificate dated 22.08.2013. The said medical certificate stated that the mother of the petitioner needs angiography and SOS angioplasty or CABG. The said application for parole was granted and the petitioner was released on parole on 19.2.2014. The learned APP further pointed out that on 28.04.2015, the petitioner had preferred an application for parole and at that time also the medical certificate dated 20.4.2015, which was relied upon by the petitioner, showed that the mother of the petitioner will need angiography & S-O-S angioplasty or CABG. The said application for parole was granted and the petitioner was released on parole on 29.8.2015. Thereafter the petitioner preferred an application for extension of parole. The petitioner had also submitted a medical certificate dated 10.9.2015 to the competent authority, i.e., Divisional Commissioner to support his application for extension of parole. The said certificate also shows that the mother of the petitioner needed

angiography & S-O-S angioplasty or CABG. Thereafter, the petitioner again sought extension of parole for further period of 30 days. To seek this extension, he relied upon medical certificate dated 12.10.2015. The said certificate also shows that the mother of the petitioner needed angiography & S-O-S angioplasty or CABG.

6] When the petitioner preferred the present application for parole he relied upon the medical certificate, in which, the same details were given that she needed angiography & angioplasty. To the present petition, a medical certificate dated 27.1.2018 has been annexed which again shows that the petitioner's mother needs investigation like coronary angiography as early as possible.

7] Thus, it is seen from the year 2013, the petitioner has been relying on the medical certificates to seek parole or extension of parole, which show that the mother of the petitioner requires angiography & S-O-S angioplasty or CABG. In this connection, we would like to say that on 5.12.2014 to 18.12.2014, the petitioner was released on furlough. This period was extended to 1.1.2015. Thereafter,

from 20.3.2015 to 2.4.2015, the petitioner was released on furlough. The said period was extended to 16.4.2015. Thereafter, on 6.1.2017 to 2.2.2107, the petitioner was again released on furlough. However, it is clear that the petitioner has not taken any steps to do necessary angiography & S-O-S Angioplasty or CABG of his mother.

8] In addition, it is seen that on 19.2.2014, the petitioner was released on parole for 30 days. This parole period was extended till 19.5.2014. Thereafter, again on 29.8.2015, the petitioner was released on parole for 30 days. This period was extended till 27.11.2015. However, during this period also, he did nothing to give any necessary medical treatment to his mother.

9] From the above medical certificates, which have been submitted from the year 2013, it either appears that the medical condition stated therein is not genuine, hence, no medical treatment was given to the mother of the petitioner or that the petitioner is not interested in getting his mother treated. Looking to all these facts and the fact that there are

enough family members to take care of the mother of the petitioner, we are not inclined to interfere. Hence, Rule is discharged.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

Dinesh
Sadanand
Sherla

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by Dinesh
Sadanand Sherla
Date: 2018.07.17
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