

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2364 OF 2013**

Ronald James Alvares	]
(Presently serving sentence	]
of life imprisonment at Kolhapur	]
Central Prison as convict prisoner	]
No. C-3100)	].. Petitioner

Vs.

The State of Maharashtra	]
Home Department Mantralaya,	].. Respondent

....

Mrs. Rohini Dandekar Advocate appointed for Petitioner
Mrs. G.P. Mulekar A.P.P. for the State

....

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

DATED : JANUARY 24, 2018

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

1 Heard both sides.

2 The petitioner preferred an application for parole on the ground of illness of his wife. The said application was granted by the Government by order dated 1.12.2012. By the said order, he was granted parole for a period of 30 days. Pursuant to the said order, the petitioner was released on parole

on 16.1.2013 for a period of 30 days. Thereafter the petitioner preferred the first application for extension of parole for a further period of 30 days. The said application was granted by the Government by order dated 1.3.2013. By the said order, the parole was extended for a period of one month i.e. from 16.2.2013 to 17.3.2013. Thereafter on 1.3.2013 the petitioner preferred the second application for extension of parole for a further period of 30 days. The said application was rejected by order dated 19.3.2013. Being aggrieved thereby, the petitioner has preferred this petition.

3 It is seen that the second application of parole was preferred within time. The said application was preferred on the ground that the wife of the petitioner was suffering from left ovarian cyst which was bleeding and there was necessity of surgery. Reliance is placed by the petitioner on medical certificate dated 1.3.2013 issued by the Medical Officer of Ambarnath Municipal Council hospital. It is also noticed that as soon as the extended period of 30 days got over, the petitioner surrendered to the prison on his own. The petitioner surrendered on 17.4.2013. It is stated that the conduct of the

petitioner in prison is good.

4 Looking to the medical certificate and other facts and circumstances of this case, on humanitarian ground, we are inclined to extend the period of parole from 18.3.2013 to 17.4.2013. Prison punishment if any imposed on account of overstay, is set aside. Security deposit forfeited if any, be returned back to the petitioner.

5 Rule is made absolute in above terms. Petition is disposed of. Office to communicate this order to the petitioner who is in Kolhapur Central Prison, Kolhapur.

M.S.KARNIK, J.

ACTING CHIEF JUSTICE

Kandarkar