

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

CRIMINAL WRIT PETITION NO. 2735 OF 2018

Mujamil Hussain Shabbir Ahmed ...Petitioner
Versus
The State of Maharashtra ...Respondent

Ms Rohini Dandekar, appointed Advocate – 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 is praying for parole on the ground of illness of his father. The petitioner had preferred an application for parole on 25.03.2015. As the said application was not granted, the petitioner has preferred the present writ petition. The record shows that the said application was rejected by order dated 03.08.2015. Being aggrieved thereby, the petitioner preferred an appeal. The appeal came to be rejected by order dated 13.2.2017. It may be stated that the petitioner, who has preferred this petition

through jail, has not annexed the orders dated 3.8.2015 and 13.2.2017. However, the learned APP has produced the said orders, which are perused by this Court. The appellate order which is most relevant is taken on record and marked "X" for identification.

3] The petitioner has preferred the application for parole on the ground of illness of his father. The medical certificate, which is relied upon by the petitioner, shows that his father was suffering from pain in the abdomen. However, the Ultrasonography of the abdomen was normal. In view of the pain, his father was advised endoscopy to find out the cause of pain and whether it is treatable by medication or surgery.

4] The order dated 13.2.2017, by which, the appeal of the petitioner seeking parole came to be rejected, shows that the police were sent to the house of the father of petitioner and to the Doctor, who issued the medical certificate and on enquiry by them, it was found that no treatment was going on in relation to the alleged medical condition of his father. In this view of the matter, the appeal

came to be r-ejected. In such case, it appears that either the ailment is not genuine or by then the father was treated and was cured. In view of the ground stated for rejecting the appeal, no case is made out for interference. Hence, Rule is discharged.

5] Office to communicate this order to the petitioner, who is in Nashik Road Central Prison, Nashik.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

Dinesh
Sadanand
Sherla

Digitally signed
by Dinesh
Sadanand Sherla
Date: 2018.07.17
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