

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI.W.P. NO. 2782 OF 2017**

C/17419 Nasir Abdul Farid Khan
alias Nasir Kanya,
Yerawada Central Prison, Pune .. Petitioner

Vs.

The State of Maharashtra .. Respondent

....
Ms. Rohini Dandekar Advocate appointed for Petitioner
Mr. Arfan Sait A.P.P. for the State
....

Jayant
Digambarrao
Kandarkar
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Jayant
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**CORAM : SMT.V.K.TAHILRAMANI ACTING C.J.
AND M.S.SONAK, J.**

DATED : JULY 24, 2018

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

1 Heard both sides.

2 The petitioner has preferred this petition for ex-post
facto sanction to the extension of parole leave for a period of 30
days.

3 The petitioner preferred an application for parole on
2.7.2013 on the ground of illness of his mother. The said

application was granted by order dated 24.9.2013 and he was granted parole for a period of 30 days. Pursuant to the said order, the petitioner was released on parole on 28.9.2013 to 29.10.2013. In the meanwhile, the petitioner preferred his first application for extension of parole on 9.10.2013 and he sought extension of parole for a period of 30 days. The said application was granted by order dated 22.11.2013 and the parole period was extended for a period of 30 days i.e. from 29.10.2013 to 27.11.2013. In the meanwhile, on 18.11.2013 the petitioner preferred the second application for extension of parole. He sought extension of parole for a period of 30 days from 28.11.2013 to 27.12.2013. The said application was rejected by order dated 10.6.2015. Being aggrieved thereby, the petitioner preferred an appeal. The appeal was dismissed by order dated 24.10.2016, hence, this petition.

4 The second application of the petitioner for extension of parole from 28.11.2013 to 27.12.2013 came to be rejected as surety who stood surety when the petitioner was first granted parole and during the extended period of 30 days from 29.10.2013 to 27.11.2013, stated that it was not possible for

him to stand surety again. Thus, on this ground, the second application of the petitioner for parole came to be rejected. We may state here that the petitioner has sought extension of parole from 28.11.2013 to 27.12.2013 and on 28.12.2013 the petitioner surrendered back to the prison on his own. During the period that the petitioner was on parole and during the period from 29.10.2013 to 27.11.2013 or even from 28.11.2013 to 27.12.2013, there is no record to show that the petitioner came to the adverse notice of the police. There is no record to show that during this period the petitioner in any way, caused law and order problem or that he had threatened any of the witnesses. We have perused the jail record of the petitioner. The jail record of the petitioner shows that the petitioner was released on furlough on 2.4.2013 and 30.8.2014 and on both the occasions, he reported back to the prison in time. During the period the petitioner was on furlough, there is no record to show that he came to the adverse notice of the police. The conduct of the petitioner in the jail is also stated to be good. It is to be noted that as soon as the extended period sought by the petitioner was over, he reported back on his own to the prison and it was not a case of police arresting the petitioner and

bringing him back to the prison. We would also like to advert to the medical certificate which was relied upon by the petitioner to seek extension of parole from 28.11.2013 to 27.12.2013. This application for extension of parole was preferred on 18.11.2013 and the petitioner had relied upon medical certificate dated 18.11.2013. The medical certificate shows that the mother of the petitioner had been hospitalized and was under medical treatment.

5 Looking to all the above facts, on humanitarian ground, we are inclined to extend the period of parole from 28.11.2013 to 27.12.2013. Accordingly, the said parole leave is extended for the said period. Prison punishment imposed if any, on account of overstay, is set aside. Rule is made absolute in above terms. Petition is allowed and is disposed of accordingly.

6 Office to communicate this order to the petitioner who is in Yerawada Central Prison, Pune.

M.S.SONAK, J.

ACTING CHIEF JUSTICE