

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3338 OF 2018**

**Mr. Narendra @ Kandi@ Guddu Lalmani Giri
Vs.**

..Petitioner

The State of Maharashtra & Ors

..Respondents

**Ms Varsha Bhogle I/b Deshmukh Bhogle Legal Associates for the
Petitioner**

Mrs. P. P. Shinde APP for the Respondent State

**CORAM :R. M. SAVANT, &
N. J. JAMADAR, JJ
DATE : 27th NOVEMBER, 2018**

P.C.

1 The Order dated 6-4-2018 passed by the Appellate Authority i.e. the State Government and communicated by the Under Secretary, Home Department, Government of Maharashtra, is taken exception to by way of the above Petition. By the said order, the order dated 11-9-2017 passed by the Divisional Commissioner, Pune Division, Pune, has been confirmed by the State Government.

2 By the aforesaid orders, the application for parole filed by the Petitioner has been rejected. The aforesaid orders disclose that the application for parole has been rejected on the ground that the Petitioner is a convict and is undergoing sentence for the punishment imposed upon him under Section 302 of the IPC read with the MCOCA. The second ground mentioned is that the Petitioner is prone to act violently and that if the Petitioner is released on

parole there are chances or likelihood that the Petitioner would commit a similar offence. The application for parole has been founded on the fact of the illness of the Petitioner's wife who is diagnosed with fibroid uterus and that she requires werthaca's hysterectomy operation and hospitalization. Significantly the medical reports are for the period between February 2017 to May 2017. The authorities have also held that the mother of the Petitioner as also maternal uncle of the Petitioner are there to take care of his wife.

3 In our view, since the medical reports as indicated above are for the period between February-2017 to May 2017, the case made out by the Petitioner for grant of parole on the ground of his wife requiring treatment as suggested by the medical reports, cannot be acceded to in view of the fact that the reports are of an anterior period. In our view, it would be just and proper if the Petitioner obtains fresh medical reports and thereafter files an application for parole. If any such application is filed by the Petitioner before the Divisional Commissioner, Pune Division, Pune, the same would be dealt by him in accordance with law, uninfluenced by the earlier rejection by the said authority as well as the Appellate Authority.

4 With the directions as aforesaid, the Writ Petition is disposed of.

[N. J. JAMADAR, J]

[R.M.SAVANT, J]