

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO.130 OF 2018

[Rajesh Sambhaji Gopnarayan .vs. State of Maharashtra and one]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ku. S.B. Saikhede, counsel (appointed) for petitioner,
Ms. Nandita Tripathi, APP for respondents.

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : MARCH 08, 2018.

By this writ petition, the petitioner challenges the order of the Divisional Commissioner, Amravati rejecting the application of the petitioner for extension of parole leave.

The petitioner was granted parole leave in view of the illness of his son. The petitioner overstayed the parole leave after making an application for extension of leave. Though the application of the petitioner was not granted, the petitioner returned to the prison 34 days after the due date. The petitioner had filed a writ petition seeking a direction against the Divisional Commissioner to decide the application for extension of parole leave. The writ petition was partly allowed and the Divisional Commissioner was directed to decide the application of the petitioner. The application of the petitioner was rejected by the impugned order.

We do not find any infirmity with the order of the Divisional Commissioner so as to interfere with the same in exercise of the writ jurisdiction. The petitioner had never surrendered on the due date when he was released on parole or

furlough leave. In 2014, he had surrendered 2211 days after the due date. From the medical certificate, we do not find that the son of the petitioner was seriously ill and was hospitalized. The medical certificate only records that the son of the petitioner was suffering from hypertension and IHD and that he should take rest for one month. It is clear from the medical certificate that the son of the petitioner was not hospitalized and he was merely asked to take rest. Moreover, the Sarpanch, Police Patil and the other villagers had opined that the parole leave of the petitioner should not be extended.

Since the order appears to be just and proper, the writ petition is liable to be dismissed. Hence, we dismiss the same with no order as to costs.

JUDGE

JUDGE

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