

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.827 of 2016

ORDER :

The petitioner has filed this writ petition as a party-in-person seeking *Mandamus* to declare the action of the respondents in not considering his application dated 31.12.2015 for extension of parole period, as arbitrary and illegal, and consequently sought a direction to the respondents to extend the period of parole for a further period of six months as his wife is suffering from dengue disease and her condition is critical.

The petitioner has filed an affidavit stating that he is a life convict and undergoing imprisonment in Central Prison, Cherlapally, Ranga Reddy District, for the last six years. He was found guilty for the offences punishable under Sections 302 and 201 of IPC and sentenced to undergo life imprisonment, vide judgment dated 15.09.2011 in S.C.No.281 of 2010 passed by the Principal Sessions Judge, Nizamabad. He further states that in the year 2015 itself, he has completed approximately 6 years of imprisonment, including remand period and he has been released on parole for one month i.e., 08.12.2015 as per the orders issued by the 1st respondent in G.O.Rt.No.541, Home (Legal Department), dated 05.05.2015 and the said one month period is expiring on 08.01.2016. He further states that he made a

representation dated 31.12.2015 to the 1st respondent seeking extension of parole for a further period of six months as his wife was suffering from dengue disease and she requires necessary treatment and that he was the only person to look after her and as such his presence was very much essential to provide her better care and the said representation is pending before the 1st respondent. He relied upon a Division Bench judgment of this Court in MOHD. IRFAN ALI v. MUJEEB UNNISA BEGUM¹, wherein it was held that while representation is pending before the Government, the parole may be extended pending disposal of the representation. The petitioner, therefore, sought for extension of parole for a further period of six months.

Though the petitioner is appearing as a party-in-person, when the matter is called, he is not present and there is no representation on his behalf. Heard learned Assistant Government Pleader for Home appearing for the respondents and perused the material on record.

The learned Assistant Government Pleader for Home submits that initially the petitioner was granted parole for one month on 08.12.2015 vide orders issued by the 1st respondent in G.O.Rt.No.541, Home (Legal Department), dated 05.05.2015. He further submits that the petitioner made a representation dated 31.12.2015 to the 1st respondent

¹ 2014 (6) ALT 703 (DB)

for extension of parole for a further period of six months i.e., from 08.01.2016 to 08.06.2016 on the ground that his wife is suffering from dengue disease and she requires necessary treatment. The learned Assistant Government Pleader for Home submits that the period for which extension of parole sought by the petitioner has already been expired and, therefore, the cause in the writ petition does not survive for adjudication and hence sought for dismissal of the writ petition as infructuous.

It is to be seen that six months period i.e., from 08.01.2016 to 08.06.2016, for which extension of parole sought by the petitioner on the ground of illness of his wife has already been expired. Therefore, in view of lapse of time, nothing survives for adjudication in the present writ petition and the same deserves to be dismissed as infructuous.

Accordingly, this writ petition is dismissed as infructuous. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD, J

16.04.2018.
Msr

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.827 of 2016



16.04.2018
Msr