

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

WRIT PETITION NO.1541 OF 2019

Maruti @ Pintu Dattatray Harihar

...Petitioner

vs.

The State of Maharashtra and Ors.

...Respondents

Mrs. Harjeet Kaur B. Singh for the Petitioner.

Mr. Arfan Sait, APP for the Respondent.

**CORAM : B. P. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.**

DATE : 02/04/2019.

P.C.:

. The convict under section 396 of IPC seeks to challenge rejection of parole leave. Contention is bar under Rule 4(ii) of 16/4/2018 is not attracted since he was earlier granted the same leave. It is further submitted that medical certificate dated 6/4/2018 shows ill-health of mother and therefore need to look after her arisen. Certificate dated 14/3/2019 filed with petition is also pressed into service to show that health of mother has not improved.

2. Learned APP points out police verification report and submits that the father of petitioner is alive and petitioner has got younger brother. One of his guarantor is his cousin and therefore there are enough members in family to take care of mother if she is ailing. Our attention is drawn to certificate issued on 26/4/2018 and thereafter 4/3/2019 to show that both these certificates are identical and hence do not inspire confidence.

3. The impugned order shows that when the petitioner was

released earlier, he has reported late by 6 days to 266 days and lastly after 169 days. Certificate of illness of mother shows that mother aged about 65 years was found to suffer from second grade uterine prolapse profuse bleeding and anaemia causing severe discomfort and breathlessness. These details given in certificate dated 26/4/2018 are reiterated in certificate dated 14/3/2019. Doctors have stated that she is advised hysterectomy and blood transfusion as earlier as possible at well equipped surgical hospital.

4. The police authorities have pointed out availability of father who is aged about 75 years and younger brother Nana aged about 22 years.

5. Nature of ailment of mother and availability of others in the family to look after her are not the reasons recorded for rejection of parole leave. However in the appellate order the fact that certificate is old and does not contain details are looked into.

6. We in present facts find that the petitioner has failed to make out any case for grant of parole leave. We therefore reject the present petition.

(PRAKASH D. NAIK, J.)

(B. P. DHARMADHIKARI, J.)