

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO. 3945 OF 2018**

Ananda Laxman Chopade ... Petitioner

Versus

State of Maharashtra ... Respondents

Mrs. Farhana Shah for the Petitioner.

Mrs. P.P.Shinde, APP for the respondent State.

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

**DATE : MARCH 15, 2019**

**P.C.:**

Petitioner was released earlier in the year 2000 and thereafter in the year 2002. On earlier occasion, he was required to be arrested and brought back and there was delay of about 67 days. In 2002 again he was required to be arrested and brought back after the delay of 4567 days. The name of the petitioner has been removed from the remission register permanently.

2. It appears that on 1/5/2018 he sought parole on the ground of illness of his wife. The competent authority has considered that request and rejected it on 13/7/2018 pointing out the previous

conduct and also provisions of rule 4(10) in this respect.

3. Counsel for the petitioner state that the certificate shows illness of wife and there are minor children in the family. As such parole on that ground deserves to be granted.

4. Learned APP submits that the medical certificate itself is very vague and previous conduct does not entitle him to any leniency.

5. The report submitted by the police shows that he was released once on furlough leave and twice on parole leave. During this leave period, he has not indulged in any wrong behaviour. It is also stated that he has reported back voluntarily. The In-charge Divisional Commissioner has considered this report and found that he was required to be arrested and brought back after 4567 days. That Authority therefore has not granted the parole. This order is maintained by the Government on 13/7/2018.

5. The certificate on which the petitioner has placed reliance is dated 15/12/2017 and it only mentions that the lady is found to be suffering from 'Procedentia with anaemia'. The certificate is also too old. We therefore, find no jurisdictional error or perversity. Writ Petition is therefore, rejected.

**(P.D. NAIK, J.)**

**(B.P. DHARMADHIKARI, J.)**