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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.118 OF 2019

Raju Vitthal Bhadre	... Applicant
Vs.	
The Divisional Commissioner, Nashik and Ors.	... Respondents

Mr. Chowdhari Moinuddin I/b. Mr. Shaikh Nasir Masih for the Applicant.
Mr. J.P. Yagnik, APP for the Respondents - State.

CORAM : A.S.OKA AND
 A.S. GADKARI, JJ.

DATE : 22nd FEBRUARY 2019.

P.C. :

1 Heard the learned counsel appearing for the petitioner. The petitioner applied for grant of parole on the ground of serious sickness of his wife. The Divisional Commissioner who is empowered to exercise powers under the Prisons (Bombay Furlough and Parole) Rules, 1959 (for short “the said Rules”) rejected the application. An appeal was preferred by the petitioner before the State Government. The appeal has been dismissed. One of the grounds specifically given for rejection is that the petitioner has not established that his wife is suffering from serious illness.

2 The learned counsel appearing for the petitioner invited our attention to the medical certificates on record and urged that after

surgery/ removal of glomus tumor on middle finger of his wife Rupa, she needs bed rest. He relied upon the decision of the Apex Court in the case of *Asfaq Vs. State of Rajasthan and Ors.*¹

3 We have considered the submissions. Serious ailment or sickness of wife is indeed a ground for grant of parole. In the present case, the petitioner is relying upon certificates on pages 11 and 12. The certificates record that the petitioner's wife has glomus tumor (of size of 3 mm x 4 mm) on her middle finger. The certificates though suggest a surgery, it is not recorded that she requires to undergo a major surgery and requires bed rest thereafter. Considering the size of glomus tumor and its location, it is not possible to accept the contention of the learned counsel appearing for the petitioner that the petitioner's wife is suffering from a serious sickness. Therefore, it is not possible to interfere with the impugned orders as far as the finding that the petitioner has not made out a case of serious ailment of his wife is concerned. We have not examined the correctness of the other grounds on which application for parole is rejected. There is no merit in the petition and the same is rejected.

(A.S. GADKARI, J.)

(A.S.OKA, J.)

1. 2017 AIR (SC) 4986.