

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

WRIT PETITION NO.1149 OF 2019

Imranali Babuali Sayyed

...Petitioner

vs.

The State of Maharashtra

...Respondent

None for the Petitioner.

Mrs. M.H. Mhatre APP for the Respondent.

**CORAM : B. P. DHARMADHIKARI &
P. D. NAIK, JJ.
DATE :12/03/2019.**

P.C.:

. Heard learned APP. She has shown us a copy of the order dated 25/12/2018 which rejects death parole on the ground that police verification report was not received by Competent Authority. Sister of prisoner expired on 15/12/2018 and he sought death parole on 20/12/2018. It appears that as per Circular No.502000/183/Desk/5(c) powers can be exercised by Superintendent of Jail within a period of 10 days of death. As within said period police report was not received, that authority has disposed of the request for parole.

2. Report dated 16/2/2019 forwarded by very same authority to the Superintendent (Appellate) Side of this Court shows that police has forwarded that report to office of SDO. It is not very clear whether the report has been sent to Sub-Divisional Officer i.e. the Revenue Officer or then Sub-Divisional Police Officer. However, here merely because report was not received within 10 days, Superintendent of Central Jail could not have rejected the application. If he found that he ceased to have powers he

could have forwarded that request to the Competent Authority. That has not been done.

3. Hence, in this situation, without laying down any precedent we direct the Competent Authority to grant parole on reconsidering the request of the petitioner in light of the report submitted by Sr. P.I. Malegaon Police Station and take suitable decision within a period of two weeks after communication of this order.

4. The petition is partly allowed and disposed of. No costs.

(P.D. NAIK, J.)

(B. P. DHARMADHIKARI, J.)