

CRIMINAL WRIT PETITION NO. 2564 OF 2019

VS.

Mr. Shashikant Chandak for the Petitioner.
Mr. J.P. Yagnik, APP. for the State.

PC :

1. Heard Shri. Chandak (appointed) and the learned APP. After hearing the respective counsel we find that petitioner had sought in September, 2018 parole for repairing his house. It appears that then he also pointed out the need to operate his wife for DUB. This request has been rejected by competent authority on 31.12.2018 and appeal against it was dismissed on 20.3.2019. Reasons given are the sureties offered are not in a position to control movement of prisoner, after release there may be issues relating to law and order and the need of surgery was not clear.

2. Learned APP has invited our attention to the fact that the prayer for parole was on the strength of medical certificate issued by Medical Officer, Class-II, Rural Hospital, at Pargaon.

3. Counsel for petitioner invites our attention to a certificate dated 25.3.2019 issued by Dr. T.S. Pethkar.

4. Upon instructions learned APP has also submitted that the furlough leave was sanctioned to the petitioner on 26.1.2019. He was supposed to return back on 15.1.2019 but voluntarily he came back after about one month i.e. on 16.2.2019. A copy of this Nominal Roll produced by the learned APP is taken on record and marked at Exh.A.

5. The facts therefore, show that prisoner was released on furlough after he sought parole and he has also returned back voluntarily after some delay. In this situation, the apprehension expressed in order for rejection may not also survive.

6. Therefore, we grant petitioner leave to apply for parole afresh, if the need pointed out earlier still subsists and if such application is moved with proper documents within four weeks from today, the competent authority shall take decision upon it as per law in the next eight weeks.

7. Petition is thus partly allowed and accordingly disposed off.

(MRS. SWAPNA S. JOSHI, J.)

(B.P.DHARMADHIKARI, J.)