

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

WRIT PETITION NO.3349 OF 2019

Bacchi @ Ramchandra Sitlapras

...Petitioner

vs.

The State of Maharashtra & Ors.

...Respondents

Mr. Harjeet Kaur for the Petitioner.

Mrs. M. H. Mhatre, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
MRS. SWAPNA S. JOSHI, JJ.
DATE : 26/07/2019.**

P.C.:

. Rejection of parole leave on account of death of petitioner's son appears to be the subject matter of present petition. The disputed question arose as petitioner produced document showing that Vitthalwadi Police Station does not have any record showing petitioner's connection with Chota Rajan gang. We have passed speaking order dated 4/7/2019 in this respect.

2. Today it is not in dispute that the petitioner has no association with Chota Rajan gang.

3. However, learned APP relies upon affidavit of Sr. Inspector of Vitthalwadi Police Station is on record and Exhibit 'A' with it to show antecedents. It is further submitted that 1991 records demonstrate connection of the petitioner with Dawood gang. This assertion is being denied by the Petitioner. Learned counsel submits that chart at Exhibit "A" is not fully correct. Three matters in which the petitioner was not accused

figure therein along with three matters in which he has been already acquitted.

4. We do not wish to look into even this disputed aspect. It is sufficient to note that impugned order dated 16/6/2019 suffers from non application of mind because it looks into non-existent circumstance that is association with Chota Rajan gang. We therefore quash and set aside that order.

5. Considering the fact that request is for death parole. we direct Respondent No.2 to pass fresh orders on request of the petitioner within a period of two weeks from the date of communication of this order. To avoid any further complications, we direct authorities to re-verify antecedents and to extend an opportunity of hearing to the petitioner, if possible through advocate of his choice.

6. Order on application for grant of parole shall be passed at the earliest. This order however shall not be cited as precedent. The petition is partly allowed and disposed of.

(MRS. SWAPNA S. JOSHI, J.)

(B. P. DHARMADHIKARI, J.)