

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

WRIT PETITION NO.4558 OF 2019

Sartaj Khan Mumtaj Khan Pathan ... Petitioner
Vs
The State of Maharashtra ... Respondents

...
Mr. Prosper D'Souza Appointed for the Petitioner.
Mrs. M.H.Mhatre, APP for the Respondent-State.

**CORAM : B.P.DHARMADHIKARI &
SANDEEP K. SHINDE JJ.**
DATE : OCTOBER 14, 2019

P.C. :

*Heard learned counsel (appointed and the
learned APP for the State.*

2 *Parole sought on the ground of illness of wife has
been rejected due to the fact that the petitioner is
convicted under Section 364A and 365 of the Indian Penal
Code, 1860 and , therefore, bar under Rule 4(13) of the
Maharashtra Prisoners' Furlough and Parole Rules is
attracted.*

3 *The learned counsel (appointed) states that
prisoner has put in actual imprisonment of more than 11*

years.

4 *The learned APP states that till completion 14 years, request made cannot be looked into.*

5 *We are not inclined to consider this contention at this stage. Medical certificate submitted by the petitioner is dated 11th March, 2018. Thus, period of more than 18 months has expired thereafter.*

6 *If the contingency arises, petitioner can submit fresh application with necessary documents. Hence, with this liberty and keeping all the contentions open, we dispose of the petition.*

7 *Order be communicated to the prisoner in jail.*

(SANDEEP K. SHINDE, J.) (B.P.DHARMADHIKARI, J.)