

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Writ Petition No. 68/2019.

(Kishor S/o Kawaduji Wanjari Vs. State of Maharashtra & Anr.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

None for the Petitioner.
Shri M.K.Pathan, APP for Respondents.

**CORAM : Z. A. HAQ &
VINAY JOSHI, JJ.**

DATE : 29.04.2019.

By this petition under Articles 226 and 227 of the Constitution of India, the petitioner (accused) has challenged the order passed by the learned Divisional Commissioner. The petitioner has prayed that the authorities be directed to release the petitioner on parole for 30 days.

By the impugned order, the learned Divisional Commissioner has rejected the request of the petitioner for grant of parole leave on the ground that when he was earlier released on furlough leave, he failed to surrender and he was brought to the prison back after he came to be arrested. It is further pointed out that Crime No. 830/2017 for the offence under Section 224 of the Indian Penal Code is registered against the petitioner for the above act. The impugned order also records that at the time when the petitioner applied for parole and on the date when the impugned order came to be passed, period of one year had not lapsed from the date on which he was brought back to the prison.

We have examined the material placed on record. Apart from the fact that on the earlier occasion the petitioner had not surrendered on due date and crime for commission of offence under Section 224 of the Indian Penal Code is registered against him, on merits, we find that the petitioner had sought parole leave on the ground that his son was suffering from illness. The petitioner has produced photocopy of the summary issued by the Medical College and Hospital, Yavatmal. The documents placed on record are of May, 2018. The petitioner has not placed any document on record to substantiate that the reason on which parole is sought, continues.

In the facts of the case, we are of the view that the prayer made by the petitioner for directing the authorities to release him on parole, cannot be considered.

Hence, the writ petition is **dismissed**.

The Advocate for the petitioner is appointed by the Legal Aid Services Authority. The Advocate for the petitioner had not appeared on 22/04/2019. Today also, he is absent.

Fees of the Advocate for the Petitioner is quantified at Rs.1,000/- (one thousand) only.

JUDGE

JUDGE