

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.71/2019

Anil Bhanudas Waghmode

..Vs..

State of Maharashtra, through Divisional Commissioner, Nagpur and another

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Ms. S.D. Wankhede, Advocate for the petitioner.
 Shri S.S. Doifode, A.P.P. for the respondents / State.

CORAM : Z.A. HAQ AND VINAY JOSHI, JJ.

DATED : 14.3.2019.

1. Heard Ms. S.D. Wankhede, Advocate for the petitioner and Ms. Nandita Tripathi, A.P.P. for the respondents / State.

2. The petitioner, a convict, is challenging the impugned order dated 10th December, 2018 by which the parole leave has been rejected.

3. The petitioner was convicted for offence punishable under Sections 302 and 120-B of the Indian Penal Code and under Section 3(1)(i), 3(2) and 3(4) of the Maharashtra Control of organized Crimes Act. The petitioner was awarded a sentence of life imprisonment on in all 5 counts and he is in jail.

4. The petitioner has canvassed reason of illness of his wife for claiming parole leave. In support of said contention, the petitioner has submitted a M.R.I. report

of spine. The respondents while resisting the claim of petitioner has submitted that only after filing of this petition, the wife of petitioner started treatment. While resisting the petition it is contended that the petitioner belongs to organized crimes syndicate and there is likelihood that he would not surrender or he would abscond. It is also stated that the Authority, after enquiry, has not recommended the petitioner's case considering the gravity and likelihood of absconding. Moreover, the documents placed on record do not disclose a serious illness of wife of petitioner to claim entitlement of parole leave. Considering the totality of circumstances, we do not find any infirmity committed by the Authority in rejecting the parole leave. In view of that, writ petition being devoid of any merits stands **dismissed**.

JUDGE

JUDGE