

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

CRIMINAL WRIT PETITION NO. 205 OF 2019

Arun S/o Laxman Hatwar
..VS..
State of Maharashtra and others

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

Court's or Judge's orders

Mrs. D.I. Charlewar, Adv. (appointed) for the petitioner.
Shri A.D. Sonak, A.P.P. for the respondents / State.

CORAM : Z.A. HAQ AND
PUSHPA V. GANEDIWALA, JJ.

DATED : 11th OCTOBER, 2019

Heard.

The challenge in the present writ petition is to the order dated 29/11/2018 passed by the respondent No. 4, whereby the claim of the petitioner for grant of parole leave, was rejected. The petitioner herein is convicted for the offence punishable under Section 302 of the Indian Penal Code, vide judgment dated 03/03/2004 in Session Trial No. 7/2000.

The application of parole leave of the petitioner was rejected mainly on the ground of fake medical papers and on his previous conduct of unauthorized overstay, when he was released on parole and furlough leave.

We have perused the record with the assistance of learned Additional Public Prosecutor.

At the outset, we do not find any infirmity in the impugned order. It is informed that the mother of the petitioner is suffering from Cancer since last 13 years. During this period, undisputedly, the petitioner had availed furlough and parole leave regularly.

The affidavit-in-reply on behalf of the State shows that each time, whenever the petitioner was released on parole and furlough leave, he overstayed unauthorisedly and did not surrender on due date. Also, on one occasion, he was arrested and brought back to the prison by the police authorities. As per Rule 19 of the Prisons (Bombay Furlough and Parole) Rules, 1959, a convict is eligible for regular parole only on the ground of serious illness of father, mother, spouse, son or daughter. There is nothing on record to substantiate the claim of serious illness of the mother of the petitioner.

For the reasons as aforesaid, so also for want of medical papers, we are not inclined to allow the petition.

The writ petition thus fails and is accordingly **rejected.**

Fees of the learned Advocate appointed to represent the petitioner shall be paid as per the rules.

JUDGE

JUDGE