

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

CRIMINAL WRIT PETITION (CWP) NO. 665 OF 2018

(Sudarshan @ Babu Sadashiv Vighne vs. Divisional Commissioner, Amravati & Ors.)

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

Court's or Judge's orders.

Shri C.D. Wasade, Advocate (appointed) for the
petitioner.

Shri S.A. Ashirgade, APP for the respondents.

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**CORAM : P.N. DESHMUKH &
PUSHPA V. GANEDIWALA, JJ.
JULY 29, 2019.**

The petitioner – convict, sought extension
of parole by 60 days by setting aside the order dated
19.10.2011 passed by respondent No. 1.

We have heard Shri C.D. Wasade, learned
counsel (appointed) for the petitioner and Shri S.A.
Ashirgade, learned APP for the respondents.

At the outset, undisputedly when the
petitioner was released on parole leave on
30.05.2011 for 30 days, the petitioner ought to have
surrendered on 30.06.2011. However, he
surrendered late by 60 days. The reason for his
overstay stated to be illness of his father. His
application for extension of parole leave came to be
rejected for want of sufficient reason.

A perusal of documents annexed to the petition show that the petitioner had submitted his application for extension of parole leave along with all medical papers of his father. He submits that there was no improvement in health of his father in 30 days and, therefore, he was required to ask for extension of parole leave.

Though, police report recommended the case of the petitioner for extension of parole leave after verifying all the facts stated in the application, however, the concerned medical papers are not before this Court to verify the facts of illness of his father and, therefore, we are constrained to reject the application with liberty to the petitioner to file fresh application and direct the respondent – authority to reconsider the said application of the petitioner in view of the above observations, within a period of 30 days from the date of filing of such an application.

The impugned order also does not show that the authority concerned has considered the medical certificates during the extension period and straightaway come to the conclusion that the petitioner could have taken proper steps within 30 days for treatment of his father.

In this view of the matter, Criminal Writ Petition is rejected with liberty in favour of the petitioner.

Legal fee of the learned counsel appointed for the petitioner is quantified at Rs.1,500/- (Rs. One thousand five hundred only).

JUDGE

JUDGE

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