

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

CRIMINAL WRIT PETITION NO.960 OF 2018

Dinkar s/o Krushna Narote,
Major, R/o. Devpur, Post Dudha,
Tahsil and District Buldhana
(Prisoner No.C-3654 in Central Prison, Amravati) .. **..PETITIONER**

--Versus --

1. State of Maharashtra through
Divisional Commissioner,
Amravati Division, Amravati.
2. Superintendent of Jail,
Central Prison, Amravati.. **.. RESPONDENTS**

Ms. Aarti Singh, Advocate (appointed) for petitioner.
Shri A.V.Palshikar, Assistant Public Prosecutor for respondents.

CORAM : SUNIL B. SHUKRE and
PUSHPA V. GANEDIWALA, JJ.
DATED : 24.04.2019

JUDGMENT (Per Pushpa V. Ganediwala, J.)

1. **Rule.** Rule is made returnable forthwith and heard finally with the consent of the learned counsel for the parties.
2. By this petition, the petitioner has assailed the order of rejection dated 06.07.2018 passed by respondent no.1-Divisional Commissioner, Amravati Division, Amravati, whereby the application filed by the

present petitioner for grant of Parole for 30 days has been rejected. The Parole leave was sought on the ground of ill-health of the mother of the petitioner. The Superintendent of Prison called inquiry report from the Superintendent of Police, Buldhana, who issued adverse report on the ground that the possibility of serious dispute with his cousin in respect of the property i.e. House No.320 cannot be ruled out.

3. We have perused the documents filed on record. The affidavit in reply shows that the petitioner on earlier occasions surrendered late to the jail authorities when he was released on Furlough and Parole leave. However, when he was released on Parole leave recently i.e. on 10.07.2018, he surrendered in-time. The record shows that the father and brother of the petitioner and the petitioner himself are in jail for the murder of cousin of the petitioner. Since the mother of the petitioner is old lady and there is nobody in the family to take care of her, in such circumstances, in our view, the petitioner is entitled for Parole leave.

4. In the result, the petition is allowed. The impugned order dated 06.07.2018 passed by respondent no.1- Divisional Commissioner, Amravati Division, Amravati, is hereby quashed and set aside. It is declared that, the petitioner is entitled to be released on Parole, on such conditions as may be found suitable for his imposition, in accordance with law.

Rule is made absolute in the aforesaid terms.

5. The professional fee of the learned counsel appointed for the petitioner is quantified at Rs.3,000/-.

JUDGE

JUDGE

Andurkar..