

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.4208, 4233, 4234 and 4235 of 2019

COMMON ORDER:

Heard.

2. All these writ petitions are filed challenging the order rejecting the request of the petitioners for extension of Parole granted to them. In the impugned orders it is stated that the request of the petitioners is not in accordance with the provisions of Rules 17 and 21 of The Suspension of Sentence on Parole Rules, 1981 (for short 'Parole Rules') and the case of the petitioners does not come under the exceptional circumstances to grant further extension.

3. The impugned orders are challenged primarily on the ground that they are bereft of reasons and therefore on that ground alone are liable to be set aside.

4. Learned counsel for the petitioners submits that in W.P.No.4208 of 2019 wife of the petitioner is suffering from kidney ailment, in W.P.No.4233 of 2019 mother of the petitioner is suffering from severe arthritis, in W.P.No.4234 of 2019 mother of the petitioner is suffering from severe arthritis and in W.P.No.4235 of 2019, father of the petitioner is suffering from kidney disease and therefore their continuation on parole is very much necessary. He further submits that there are financial difficulties in their respective families and as such presence of the petitioners is required.

5. In all these writ petitions, the petitioners have filed stereo typed medical certificates issued by the same Medical Officer stating that one of the family members of the petitioners is suffering from disease and based on the said certificates, the applications for extension of Parole were made.

6. Learned counsel for the petitioners placed reliance on the decision of this Court reported in ***Mohd. Irfan Ali, Convict No.3266 vs. State of Telangana, rep. by its Principal Secretary, Home (Prison) Department and others***¹ to contend that the impugned orders are liable to be set aside on the ground that no reasons are assigned in rejecting the request of the petitioners for extension of Parole.

7. As seen from the impugned orders, while rejecting the request of the petitioners for extension of Parole granted to them earlier, the reason assigned is “The Government have examined the request of the individual for extension of his parole keeping in view of rules 17 & 21 of Parole Rules 1981 and the same is hereby rejected, since there are no exceptional circumstances”.

8. Rule 17 of Parole Rule specifies that period of Parole shall be decided based on merits of each case in exceptional circumstances. It also specifies that Parole should ordinarily be granted for a period of one month and no further extension should be granted.

9. Rule 21 of Parole Rules specifies that continued illness of a relative of a prisoner shall not be considered as reasonable ground

¹ 2015 (1) ALT 1

to justify grant of extension of the period of release on parole already sanctioned.

10. Except the vague statement of ailments mentioned in the Medical Certificates, referred to above, no other medical report is produced showing the gravity of the disease suffered by the family member of the petitioners in order to treat the request of the petitioners as exceptional circumstances as mentioned in Rule 17 of Parole Rules. In the absence of showing exceptional circumstances to grant extension of parole as required under Rule 17 of Parole Rules and in accordance with Rule 21 of Parole Rules which specifies that continuous ill-health of the relative cannot be the ground to justify grant of extension of Parole, the Government is justified in rejecting the request of the petitioners for extension of Parole.

11. In all these writ petitions, it cannot be said that the reasons assigned are not valid and the orders impugned can be described as non-speaking orders. It is not necessary that an order should be very elaborate to hold that the same is valid in law. Having regard to the provisions of Rules 17 and 21 of parole Rules, the requests of the petitioners were considered and rejected by the Government.

12. As noted above, no cogent reasons are assigned by the petitioners warranting the Government to grant extension of Parole in relaxation of Rules 17 and 21 of Parole Rules. Release of a convict on a Parole is not a matter of course and only in exceptional circumstances, such request can be considered. So also, further continuation. Thus, there are no reasons for holding

the orders impugned as illegal to set aside the same and to grant relief as prayed for.

13. At this stage, learned counsel for the petitioners submits that as per the earlier orders, petitioners were to continue on Parole till 28.02.2019. Since these writ petitions are filed, the petitioners could not surrender before the concerned jail and therefore he requests to grant three more days time to them to report before the concerned jail authority.

14. Having regard to this request, the petitioners are granted permission to surrender before the concerned jail authority on or before 05.03.2019. With above observations, all the writ petitions are dismissed.

15. Miscellaneous Petitions pending in these Writ Petitions, if any, shall stand closed. There shall be no order as to costs.

1st March, 2019.
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P.NAVEEN RAO, J