

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.6797 OF 2019

Date: 01.04.2019

Between:

Mohd. Yusuf, s/o. Abbas, Aged about 36 years,
Occu: Private Job, r/o. Pocharam (Village),
Dubbaka (Mandal), Siddipet District.

.....Petitioner

and

The State of Telangana, rep.by its Prl.Secretary,
Home Department, Secretariat, Hyderabad
and another.

.....Respondents



The Court made the following:

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ORDER:

Heard Sri Shaik Karimulla, learned counsel for petitioner, and learned Government Pleader for Home.

2. Petitioner is convicted under Section 302 of IPC and sentenced to undergo Rigorous Imprisonment for Life in Sessions Case No.476 of 2012 by IV Additional District and Sessions Judge (FTC), Karimnagar. He was granted Parole for a period of one month and the Parole expires on 02.04.2019. While so, on 25.03.2019, he submitted application for extension of parole, sent by registered post with acknowledgment due. This Writ Petition is filed on 26.03.2019 i.e., day after sending the application, alleging inaction in considering the application for extension.

3. Even before application is received, it cannot be said that competent authority is negligent in considering the application. However, having regard to the fact that, Parole is expiring today, the Court has looked into the reasons assigned for seeking extension as to whether a valid claim is made for extension. As per paragraph-2 of the representation seeking for extension, it is stated that financial position of the family is not good during his absence and his presence is necessary to improve financial position, and that his mother is suffering with Cardio disease and hyper tension.

4. Grant of Parole to a prisoner is governed by 'The Suspension of Sentence on Parole Rules, 1981' (for short, 'Rules, 1981'). Relevant Rules for consideration are Rules 17 and 21.

5. Rule 17 of the Rules, 1981, 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.

6. Rule 21 of the Rules, 1981, specifies that continued illness of a relative of a prisoner shall not be considered as reasonable ground to justify grant of extension of the period of release on parole already sanctioned.

7. Grant of Parole and extension of Parole already granted is not automatic and is not a matter of course. Except the vague statement of ailment mentioned in the Medical Certificate, referred to above, no other medical report is produced showing the gravity of the disease suffered by the family member of the petitioner in order to treat the request of the petitioner as exceptional circumstance as mentioned in Rule 17 of the Rules, 1981. In the absence of showing exceptional circumstance to grant extension of parole as required under Rule 17 of the Rules, 1981 and in accordance with Rule 21 of the Rules 1981, which specifies that continuous ill-health of the relative cannot be the ground to justify grant of extension of Parole, the prayer to grant extension of Parole is not valid. Therefore, no purpose would be served in directing the respondents to consider the application made by the petitioner.

8. Writ Petition is accordingly dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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