

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 6861 of 2019

Date : 2.4.2019

Between:

Kuntala Shiva S/o Dayanand Age about 31 years Occ Bike
Mechanic H No 3-4-758/24/2 Indira Nagar Ganesh nagar 2
Hanmakonda Warangal Urban District

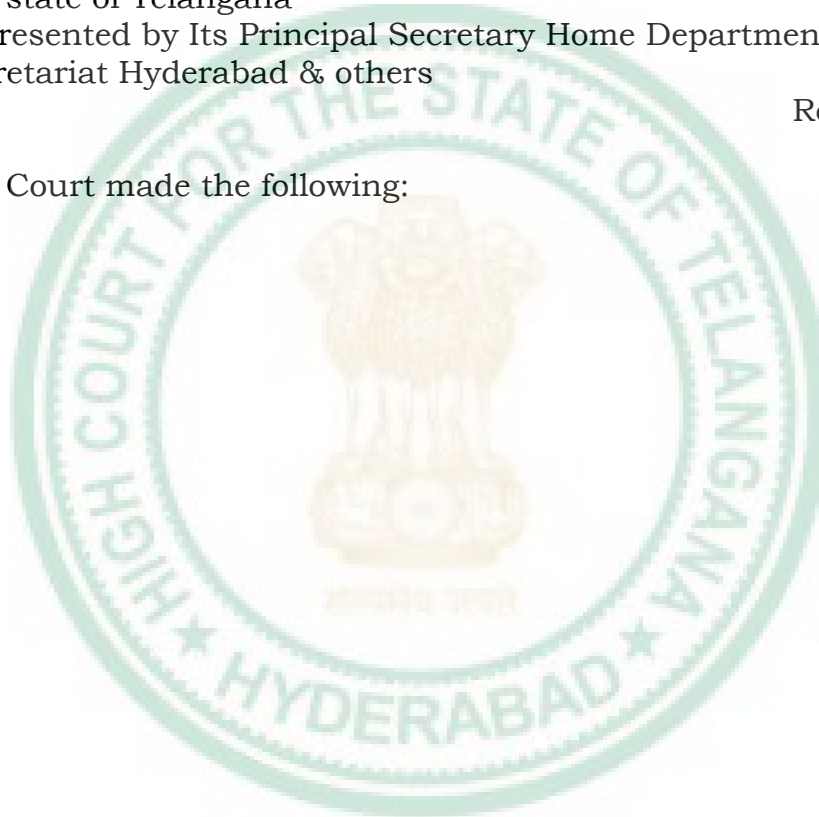
Petitioner

And

The state of Telangana
Represented by Its Principal Secretary Home Department
Secretariat Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Home.

2. Petitioner was convicted and sentenced to life imprisonment in S C No.15 of 2014 by the First Additional Sessions Judge, Warangal and undergoing imprisonment. On his application for grant of Parole, the competent authority passed orders in G.O.Rt No. 189 dated 18.2.2019 granting Parole for a period of one month i.e., from 2.3.2019 to 1.4.2019 and petitioner has to surrender before the Jail authorities on 2.4.2019. Praying to grant extension of the Parole, petitioner made representation on 27.3.2019 sent by registered post acknowledgment due on the same day. Alleging inaction on the said representation, this writ petition is filed.

3. Petitioner could not wait for last minute and rush to this Court alleging inaction. However, having regard to the fact that Parole has expired yesterday and petitioner has to surrender today, this Court, prima facie considered reasons assigned for extension of Parole. Two reasons are assigned for extension of Parole i.e., 1) health condition of his mother and 2) family financial position. With reference to health condition, petitioner enclosed medical certificate alleged to have been issued by Dr.V Jayaprakash, as owner of Sri Venkateshwara Clinic, Warangal. To prove that his mother is seriously ill, a medical certificate from a private Doctor is not valid. Except such medical certificate,

petitioner has not furnished any other material indicating medical condition of his mother. Be that as it may, health condition of family member is not a ground to seek extension of Parole. Similarly the financial position of the family is also not a ground to seek extension of Parole. The claim for extension of Parole was considered by this Court in WP No.4208 of 2019 and batch dated 1.3.2019.

4. Granting of Parole to a prisoner is governed by “The Suspension of Sentence on Parole Rules, 1981”. Relevant Rules for consideration are Rules 17 and 21.

5. 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.

6. Rule 21 of Parole Rules 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.

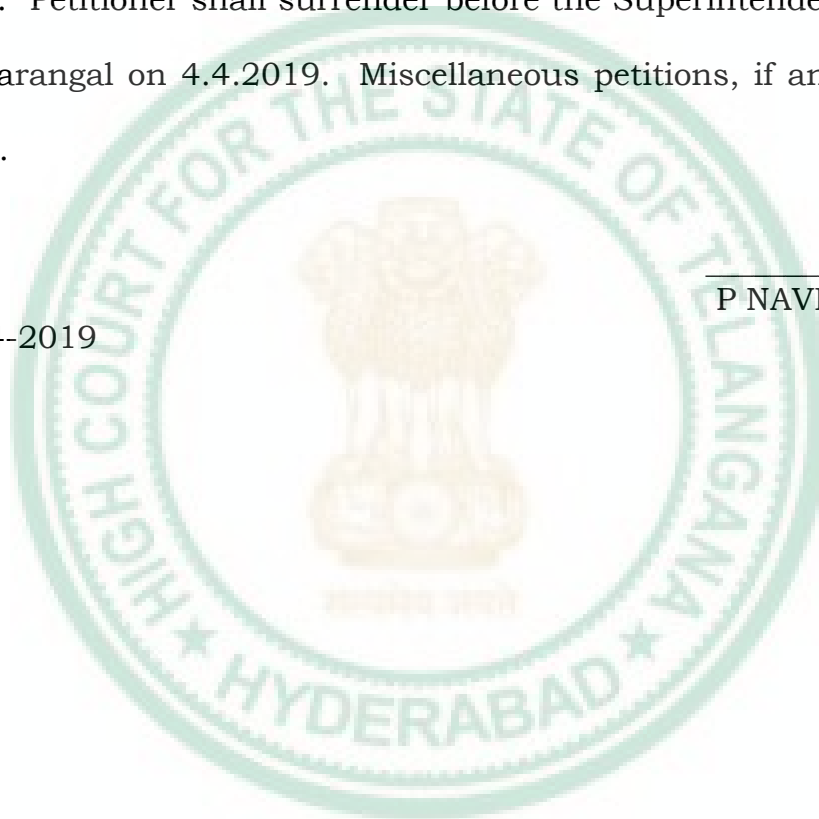
7. Except the vague statement of ailment mentioned in the Medical Certificate, referred to above, no other medical report is produced showing the gravity of the disease suffered by the family member of the petitioner in order to treat the request of the petitioner as exceptional circumstance as mentioned in Rule 17 of Parole Rules. In the absence of showing exceptional circumstance 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 prayer to grant extension of Parole is not valid.

8. For the reasons stated above, claim for extension of Parole is held to be not valid and accordingly the writ petition is dismissed. However, having regard to the fact that Parole expired on 1.4.2019 and petitioner has to surrender today, petitioner is granted two days time to surrender. Petitioner shall surrender before the Superintendent, Central Prison, Warangal on 4.4.2019. Miscellaneous petitions, if any pending, are closed.

DATE: 2-4-2019
TVK

P NAVEEN RAO,J



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