

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.7353 OF 2019

Date: 08.04.2019

Between:

Jogu Suresh @ Chinna, s/o. Chandraiah,
Aged about 30 years, occu: Auto Driver,
H.No.3-4-316/2, New Rayapura (v),
Hanamkonda (M), Warangal district.

....Petitioner

and

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

..... 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 Sections 376-D, 366, 506 r/w 34, 342 of IPC and sentenced to undergo Rigorous Imprisonment for Life in Sessions Case No.15 of 2014 by I Additional Sessions Judge, Warangal. He was granted Parole for a period of one month and the Parole expires on 09.04.2019. While so, on 01.04.2019, he submitted application for extension of parole, sent by registered post with acknowledgment due on 02.04.2019. This Writ Petition is filed on 04.04.2019 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 on 09.04.2019, 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 his mother is suffering from Angina Pectoris, Lumbago and Hyper Tension, and his father died on 02.07.2013 and, therefore, there is no other person to look after his mother. In support of the claim that his mother is suffering with the above diseases, Medical Certificate issued by the Civil Assistant Surgeon of Osmania General Hospital, Hyderabad is enclosed. The medical certificate does not contain the date of issue, and lacks details as to how diagnosis was made to hold person as suffering with the

diseases mentioned above, which attract exceptional circumstance as prescribed in Rule 17 of 'The Suspension of Sentence on Parole Rules, 1981' (for short, 'Rules, 1981').

4. Grant of Parole to a prisoner is governed by the 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. Leaving it open to petitioner to file fresh application with supporting material as required under Rule 17 of the Rules, 1981, Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 08.04.2019
Note: Issue CC today.
(B/o.)
kkm



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