

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.16027 of 2019

ORDER:

The prayer of the petitioner in this case is as under:

“... to issue any appropriate Writ, Order or direction more in the nature of writ of Mandamus directing respondent No.1 to extend the Parole to the petitioner for a period of 3 months from 04.8.2019 by duly declaring the action of respondent No.1 in not extending the parole as requested by the petitioner and extending a period only for 15 days, i.e., till 04.8.2019 as unjustified and against the principles of law laid down by the Honble Apex Court with regard to granting of parole and pass such further or other orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.”

In the affidavit, filed in support of the Writ Petition, it is *inter alia* stated that the petitioner has been languishing in District Jail, Nizamabad, since 27.6.2014 in pursuance of the conviction and sentence imposed on him, vide judgment dated 27.6.2014 passed by the learned VII Additional District and Sessions Judge, Bodhan, in Sessions Case No.234 of 2015; that her daughter, Ishrath Sultana, aged 16 years, is suffering from a serious kidney ailment and was advised kidney transplantation; that for treatment of her daughter the petitioner applied for parole; that the Superintendent, District Jail, Nizamabad, had issued a certificate dated 06.3.2019, to the effect that the conduct of the petitioner in jail is good; and that by G.O.Rt.No.467 dated 01.6.2019, the petitioner was granted parole for 30 days and thereafter the same was extended for a further period of 15 days which would come to an end on 04.8.2019. It is further averred that the surgery to the petitioner's daughter was not performed on the fixed date of 18.7.2019 as she was suffering from infection and as such, the presence of the petitioner is necessary for

getting treatment to his daughter. However, respondent No.1 extended the petitioner's parole only for 15 days i.e., till 04.8.2019 duly rejecting his request for extending the parole by three months from 04.8.2019. Hence, the present Writ Petition.

Heard Sri V.Ravi Kiran Rao, learned counsel for the petitioner, and the learned Assistant Government Pleader for Home appearing for the respondents.

Learned counsel for the petitioner submits that the petitioner is the only bread winner of the family. As the kidney transplantation of the petitioner's daughter was not performed on 18.7.2019 due to infection, the petitioner has to make necessary arrangements for kidney transplantation of his ailing daughter. The conduct of the petitioner in the jail is good and a certificate to that effect issued by the Superintendent, District Jail, Nizamabad, is also filed. Hence, he prayed that necessary directions may be given to the respondents to extend the parole of the petitioner.

Learned Assistant Government Pleader for Home submits that the petitioner without making an application before the Government seeking extension of the parole, straightaway filed the present Writ Petition. He further submits that in the first instance, the petitioner was granted 30 days parole and the same was extended for a further period of 15 days and the extension of parole cannot be a matter of right and prayed to dismiss the Writ Petition.

In view of the aforesaid facts and circumstances of the case, especially, keeping in view the pathetic condition of the

petitioner's daughter, the petitioner is granted parole for a period of one week from today. In the meanwhile, it is open to the petitioner to make an application to respondent No.1 stating the above facts along with necessary documentary evidence thereof and on such application, respondent No.1 consider the same in terms of the guidelines in G.O.Ms.No.647, Home (Prisons-C) dated 23.10.1981. If the petitioner fails to make such an application within one week from today, he shall surrender before respondent No.3 within a week.

Subject to the above observations and directions, the Writ Petition is disposed of.

Pending Miscellaneous Petitions, if any, shall stand closed. No order as to costs.

JUSTICE A. RAJASHEKER REDDY

*02nd August, 2019
Note:
Issue CC tomorrow.
B/o
dr*