

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 928 OF 2020

Hari Balaji Dangare

...Petitioner

Vs.

The State of Maharashtra

...Respondent

None for the petitioner.

Dr. F. R. Shaikh, APP for the State.

CORAM : B. P. DHARMADHIKARI &
N.R.BORKAR, JJ.

DATE : 24TH FEBRUARY, 2020.

P.C.:

Prisoner sought parole for reconstruction of his house which had fallen down due to some natural calamities. It has been rejected because of apprehension that he may not return back to prison. Apprehension is based upon adverse police report of Assistant Police Commissioner, Usmanpura region, Aurangabad.

2. Learned APP submits that against order rejecting parole, statutory remedy of appeal ought to have been exhausted. We are not inclined to go into these niceties. Offence is of the year 2010 and prisoner was arrested immediately thereafter. He was under-trial

prisoner till conviction and thereafter, he is convicted. Thus, for past about 10 years, he may not have visited Usmanpura or his native place. The crime was registered at Niphad Police Station in Nashik District. The petitioner, therefore, was then not residing at Usmanpura.

3. While submitting adverse police report, these facts appeared to have been lost sight of. We, therefore, direct authorities to re-consider the facts on record and pass fresh orders on his request for parole if the need still subsist. The authority shall then, attempt to find out whether there are other members in the family who can re-built the house or whether family has necessary funds. The authority shall also examine when the house was last occupied by the family.

4. These exercise shall be completed within two months from the date of communication of this order to authority.

5. Petition is partly allowed and disposed of.

6. Order be served upon prisoner in jail.

(N.R.BORKAR, J.)

(B. P. DHARMADHIKARI, J.)