

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 6367 OF 2019

Umesh Ganesh Patil

.. Petitioner

Versus

The State of Maharashtra

.. Respondent

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

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

DATE : JANUARY 7, 2020.

P.C.:

1. Learned APP seeks time as complete instructions are not with him. However, we have read the papers with his assistance. The petitioner - prisoner who is in jail since 1.3.2013 had sought parole leave for operating his father. That application has been rejected on 10.6.2019. The reason is that the adverse police report. The police report mentions the objection by the complainant and eye witnesses.

2. The nominal roll itself shows that the prisoner was released on furlough leave on 28.6.2018 and thereafter on 20.8.2019. He has reported back on due date voluntarily.

During his stay outside, there is no contact of the petitioner either with the complainant or any eye witnesses. The apprehension of any breach of peace or quarrel with the complainant / witnesses is, therefore, misconceived.

3. The letter sent by the prisoner shows that his father needs to be operated for kidney stone. There is no medical certificate pointing out any urgency. No schedule of proposed surgery or place is also disclosed.

4. In this situation, if proper application with necessary details is submitted by the petitioner - prisoner, it shall be considered in accordance with law ignoring adverse police report, within two weeks of its receipt by the Authorities.

5. With this direction, we partly allow the Writ Petition and dispose it of.

6. The order be communicated to the petitioner - prisoner who is in jail.

[N.R. BORKAR, J.]

[B.P. DHARMADHIKARI, J.]