

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

LD-VC-CRIMINAL WRIT PETITION NO.542 OF 2020

Nilesh s/o Shantaram Aajgaokar (In jail)

-vs-

The State of Maharashtra, Thr. Divisional Commissioner Amravati and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Sarnath D. Sahoo, Advocate for petitioner.

Shri N. S. Rao, Additional Public Prosecutor for respondents.

CORAM : A. S. CHANDURKAR AND AMIT B. BORKAR, JJ.

DATE : JULY 31, 2020

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

This petition is filed challenging the order passed by the respondent No.2 thereby rejecting parole application of the petitioner for a period of 45 days.

The petitioner had filed an application with the respondent No.2 for grant of parole leave for a period of 45 days on the ground that wife of the petitioner is suffering from incurable disease (HIV). The petitioner has produced medical certificate in support of health ground.

The respondent No.2 by the impugned order has rejected the application mainly on the ground that last time

when the petitioner was released on parole in the year 2003 he did not surrender after the parole period was over. Thereafter he was required to be arrested on 06/07/2019 after lapse of 16 years. A offence under Section 224 of the Indian Penal Code was registered against him at Police Station, Mahim, Mumbai.

Learned counsel for the petitioner has submitted that the petitioner is ready to abide by strict conditions as may be imposed by this Court and prayed for grant of parole.

The respondents have filed reply and have objected to grant of parole to the petitioner on the ground that in the year 2003 when parole was granted to the petitioner he did not report within time prescribed and there was delay of about 5797 days when ultimately the petitioner was arrested and offence under Section 224 of the Indian Penal Code was registered against him and therefore prayed for dismissal of the petition.

We have carefully considered the prayers made in the petition, reply filed by the respondents and the reasons stated in the impugned order. Taking into consideration the reasons mentioned in the impugned order that the petitioner was arrested after a period of 5797 days and an

offence under Section 224 of the Indian Penal Code was registered against him on 05/07/2019, we are satisfied that the petitioner is not entitled to be released on parole. The impugned order passed by the respondent No.2 is perfectly legal.

We therefore find no ground to exercise writ jurisdiction under Article 226 of the Constitution of India. The writ petition is therefore dismissed. No order as to costs.

This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

JUDGE