

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.115 of 2020

ORDER:

The present writ petition is filed to declare the inaction of the 1st respondent in passing orders on the petitioner's representation, dated 28.12.2019, for extension of parole of the petitioner, as illegal and arbitrary.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home.

3. From a perusal of the record, it is seen that the petitioner had been convicted and sentenced to undergo imprisonment for life for the offence under Section 302 IPC and Rigorous Imprisonment for 7 years each for the offences under Sections 380, 201, 363 and 120-B IPC in S.C.No.486 of 2010 dated 13.01.2014 on the file of the Metropolitan Sessions Judge, Nampally, Hyderabad, and the petitioner is undergoing imprisonment from 13.01.2014. Subsequently, on the application of the petitioner, the petitioner had been granted parole for a period of one month from 07.12.2019 to 07.01.2020.

4. Learned counsel for the petitioner submits that, after release of the petitioner on parole, on 28.12.2019, the petitioner submitted an application seeking extension of parole on the ground that his wife has fallen ill and needs medical attention. In support thereof, the petitioner has produced before this Court the outpatient slip issued by the Osmania General Hospital. Learned counsel further urged that even the petitioner has fallen ill during first week of January, 2020 and therefore, his request may be considered sympathetically.

5. In similar circumstances, in W.P.No.25526 of 2017, this Court, while extracting sub-rules 12 and 16 of Rule 974 of the Andhra Pradesh Prison Rules (for short, 'the Rules'), wherein it is stated that, in normal circumstances, the parole cannot exceed two weeks, except in special circumstances, and that, the continued illness of a relative of a prisoner shall not be considered as a reasonable ground to justify grant of extension of the period of release on parole, held that non-passing of orders on the representation of the petitioner therein, cannot be found fault with.

6. Having regard to the facts and circumstances of the present case, since the petitioner was initially granted parole for a period of one month, which itself is beyond the period ordinarily prescribed under Sub-rule 12 of Rule 974 of the Rules, the present request made by the petitioner for extension of parole, cannot be considered.

7. The writ petition is without merit and it is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTI CE T.VI NOD KUMAR

Date:07.01.2020

GJ