

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CRIMINAL WRIT PETITION NO.705 OF 2021

SHAIKH SANDAL SHAIKH AFFUJI BAGWAN (C-4863)
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Advocate for Petitioners : Ms. Chate Sharada P.

APP for Respondents: Ms. P.V. Diggikar
.....

CORAM : V. K. JADHAV AND

S. G. DIGE, JJ.

DATED : 7th JULY, 2021

PER COURT:-

1. We have heard learned counsel for the petitioner and learned A.P.P. for the respondent-State, finally.

2. The petitioner has been convicted for the offence punishable under Section 302 of I.P.C. and during conviction period, he was released on emergency parole leave for 45 days i.e. from 20.8.2020 to 3.10.2020 and subsequently his leave has been extended automatically for a period of 30 days on few occasions as per usual terms and conditions mentioned in the Notification dated 8.5.2020. According to the petitioner, the respondent authority has issued letter dated 1.10.2020 while considering further extension of leave and directed him to surrender back to the prison. Consequently the petitioner has surrendered to the prison. However, his request for extension of parole leave was not considered.

3. During the course of arguments, learned A.P.P. has tendered

before us the application submitted by the petitioner himself on 4.11.2020 before the Superintendent of Open Prison, Paithan, wherein he has mentioned that he was facing starvation due to lock down period and there is no shelter for staying. He has further stated in the application dated 4.11.2020 that he is surrendering on his own. Learned A.P.P. has pointed out that the petitioner has not filed any application for extension even.

4. Though learned counsel for the petitioner Ms. Sharda Chate has vehemently submitted that the petitioner was forced by the Jail authorities to write such application dated 4.11.2020, however, we do not find any substance in it. The petitioner has suppressed this material fact from this Court and there is no pleading to the effect that under the pressure the petitioner has filed said application stating therein that he was going to surrender before the jail authority on his own due to lock down and other aspects, as detailed in the application.

5. In view of the same, we find no substance in this writ petition. Hence, we proceed to pass the following order:-

O R D E R

The writ petition is hereby dismissed.

(S. G. DIGE, J.)

(V. K. JADHAV, J.)

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