

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

CRIMINAL WRIT PETITION NO. 30 OF 2021

Prabhakar Jaswant Mandlekar,
Aged about 35 years, Occu. - Convicted
Offender (Prisoner No.C-9145),
R/o. Central Prison, Nagpur.

.... **PETITIONER**

// VERSUS //

- 1) State of Maharashtra,
through its Secretary,
Home Department, Mantralaya,
Mumbai-32.
- 2) The Superintendent,
Central Prison, Nagpur,
District – Nagpur.
- 3) The Divisional Commissioner,
Nagpur Division, Nagpur.

.... **RESPONDENTS**

Shri R. K. Maheshwari, Advocate(appointed) for the petitioner.
Ms H. N. Jaipurkar, A.P.P for the respondent Nos.1 to 3.

**CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.**

DATED : 17.02.2021.

ORAL JUDGMENT : (Per : Sunil B. Shukre, J.)

1. Heard. **Rule.** Rule made returnable forthwith.

2. Heard finally by consent of the learned counsel appearing for the parties.

3. The reason for which the emergency parole was sought in the present case, no longer survives today. This would become clear on carefully reading the impugned order dated 27.03.2020. It clarifies that the wife of the petitioner was examined by the concerned Doctor and she was found to be anemic and suffering from hyper tension and anxiety depression. It is further seen that she was treated only as a outdoor patient and was advised rest for 2-3 months. It is further stated that she was not suffering from any serious illness. Now, the period of 2-3 months is already over and no new circumstance is reflecting in any manner upon the present day health status of the petitioner's wife on record. In such a case, it would be appropriate for the petitioner to make a fresh application for grant of emergency parole, if there is requirement and real need having been arisen in that regard subsequently. Even the reply of respondent No.3 states the same thing. It also assures that if any fresh application upon new grounds is filed, same would be considered appropriately and in particular in the light of the law laid down by Full Bench of this Court in Criminal **Writ Petition No.1046 of 2018, Kantilal Nandlal Jaiswal Vs. Divisional Commissioner, Nagpur & Anr.** , decided on 13.09.2019.

4. In the result, we find no substance in the petition, the Writ Petition stands dismissed.

5. Legal remuneration of Rs.2,500/- (Rs. Two thousand five hundred only) be paid to the learned Advocate appointed for the petitioner.

(AVINASH G. GHAROTE, J.)

(SUNIL B. SHUKRE J.)

Kirtak