

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

CRIMINAL WRIT PETITION NO. 366 OF 2021

Vijendra Malaram Ranwa (in jail)

Vs.

The Divisional Commissioner, Amravati and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Shri A.J. Dhoble, Advocate for petitioner.
Ms N.R. Tripathi, APP for respondents/State.

CORAM : M.S. SONAK & PUSHPA V. GANEDIWALA, JJ.
DATE : 26th OCTOBER, 2021.

Heard Shri A.J. Dhoble, learned counsel for the petitioner, and Ms. N.R. Tripathi learned Additional Public Prosecutor, who appears by waiving the service of notice on behalf of respondents.

2. The challenge in this petition is to the order, by which the petitioner was denied regular parole.

3. Shri Dhoble learned counsel submits that one of the reasons for denying the parole to the petitioner was that he was convicted under the provision of the Protection of Children from Sexual Offences Act (POCSO). He submits that this cannot be a good ground for rejecting the parole. He points out that on the earlier occasion, the petitioner was, in fact, granted parole and there is no complaint about non-compliance with the terms and conditions subject to which parole was granted. He submits that even proper

medical certificates were produced on record and such certificates did indicate the seriousness of his sister's medical condition. Shri Dhoble learned counsel submits, on all these grounds, the impugned order warrants interference.

4. Ms. Tripathi, learned Additional Public Prosecutor defends the impugned order. She points out that the certificates/medical papers produced by the petitioner did not indicate any serious medical condition of his sister. She submits that, in any case, certificates relate to November 2020, and therefore, based on such certificates, no relief may be granted to the petitioner at this stage.

5. We have perused the impugned order. Though there is a reference to the petitioner's conviction under the POCSO, that is not the ground for rejection of the parole. The main ground is that the certificates/medical papers produced do not indicate any serious medical condition concerning his sister.

6. We have perused the certificates/medical papers produced before us by the petitioner along with this petition. From the same, we do not see a good reason to fault the assessment of the competent authority. Besides, as submitted by Ms. Tripathi, medical papers pertain to November 2020, and it may be reasonable to proceed on the basis that there must have been some improvement in the medical condition of the petitioner's sister by now.

Therefore, based on such case papers/certificates, it will not be appropriate to grant any relief at this stage.

7. We, however, clarify that nothing in the impugned order or, for that matter, the present order should come in the way of the petitioner seeking fresh parole, in accord with the law, if any permissible occasion arises. Therefore, if the petitioner files a fresh application for parole, we are sure, the same will be considered, in accord with the law on its own merits by the concerned authority.

8. With liberty and clarification as aforesaid, we dispose of this petition. There shall be no order for costs.

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)

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