

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

CRIMINAL WRIT PETITION NO.442/2021

Vishal Puran Jain .vs. The Divisional Commissioner, Amravati Division,
Amravati and anr.

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

Court's or Judge's orders.

M.r T. Parmar, Advocate for petitioner.

Mrs. N. Tripathi, A.P.P. for respondent nos. 1 and 2.

CORAM : V.M. DESHPANDE AND AMIT B. BORKAR, JJ.

DATED : JULY 26, 2021

By this petition under Articles 226 and 227 of the Constitution of India, the petitioner is challenging order dated 04.03.2021, seeking release of the petitioner on parole, on the ground of serious illness of his mother.

The petitioner is convicted for an offence punishable under Section 364-A of the Indian Penal Code and has completed sentence of 11 years and 6 months.

The petitioner filed an application with respondent no.2 seeking his release on parole on the ground of serious illness of his mother and annexed a copy of medical certificate issued by R. K. Government Medical Hospital, Rajsamanad, Rajasthan, dated 18.12.2020. Respondent no. 2, by the impugned order, has rejected the application of the petitioner on the ground that the petitioner has not produced sufficient material to show that mother of the petitioner is suffering from serious illness. The petitioner has, therefore, filed present writ petition.

This Court on 23.06.2021, issued notices to the respondents. Respondent no.1 has filed reply and has pointed out that this Court on 14.07.2021, directed the

respondent-State to produce medical certificate dated 18.12.2020. Learned A.P.P. produced on record medical certificate dated 18.12.2020, which is marked “X” for the purpose of identification. On perusal of the medical certificate, it appears that the reason of illness, which is mentioned in the certificate, is to the effect that mother of the the petitioner is suffering from abdominal pain.

During the course of hearing, learned Advocate for the petitioner read out the letter written by petitioner to him. After hearing contents of the letter written by the petitioner, it appears that mother of the petitioner is suffering from abdominal pain for quite a long period and in addition to this, the letter reflects that younger sister of the petitioner is there at home of the petitioner to take care of his mother.

We are, therefore, satisfied that illness mentioned by petitioner in his letter along with certificate is not a serious illness as contemplated by the Rules and another family member is there to take care of mother of the petitioner.

We, therefore, find no merit in the writ petition. The writ petition is, therefore, dismissed.

Mr. Parmar, learned Advocate appointed to represent the petitioner shall be paid an amount of Rs.1,500/- towards his professional fees.

JUDGE

JUDGE