

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

CRIMINAL WRIT PETITION NO.521/2021

Kishor s/o Maniram Dhurve,
Aged 40, (C-920), presently at
Central Prison, Nagpur,
Dist. Nagpur.

.....**PETITIONER**

...V E R S U S...

1. State of Maharashtra, through
Divisional Commissioner, Nagpur.

2. The Superintendent,
Central Prison, Nagpur.

...**RESPONDENTS**

Mr. A. Y. Sharma, Advocate for petitioner.
Mrs. N.Tripathi, A.P.P. for respondents-State.

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

DATE:- AUGUST 23, 2021

ORAL JUDGMENT (Per: Amit B. Borkar, J.)

1. Rule. Rule is made returnable forthwith. Heard finally
by consent of the learned counsel for the parties.

2. By this petition under Article 226 of the Constitution of
India, the petitioner is challenging order dated 07.05.2021 passed
by respondent no.1, thereby rejecting his application for parole on
the ground of serious illness of his mother.

3. The petitioner is a convict of an offence punishable
under Section 302 of the Indian Penal Code and he has suffered

sentence of imprisonment for life. He has undergone period of more than four years imprisonment.

4. The petitioner on 03.02.2021 filed an application for grant of parole on the ground of serious illness of his mother. Respondent no.1, sought report from Superintendent of Police, Balaghat who has submitted an adverse report against the petitioner. Respondent no.1 has, therefore, rejected the application for parole of the petitioner.

5. The petitioner has, therefore, filed the present petition challenging the order of rejection of parole. This Court on 26.07.2021 issued notices to the respondents. Respondent no.1 filed reply stating that medical certificate submitted by the petitioner, which was issued by Dr. Pankaj Dubey of Madhya Pradesh, does not mention whether petitioner's mother is hospitalized anywhere and therefore respondent no.1 is justified in rejecting the parole.

6. We have carefully considered the impugned order and reply filed by respondent no.1. We have also perused certificate annexed to this petition as Annexure-B. On perusal of the medical certificate dated 01.08.2020, it appears that mother of petitioner

is suffering from right sided Hemiparesis. It is stated in the said certificate that the mother of the petitioner is bed ridden and is unable to perform her routine activities.

7. On perusal of the certificate produced by the petitioner, we are satisfied that the mother of the petitioner is suffering from serious illness. Hence, respondent no.1 is not justified in rejecting application of the petitioner. We are satisfied that the petitioner is entitled to emergency parole. We, therefore, pass the following order.

ORDER

- (i) Criminal Writ Petition No.521/2021 is allowed.
- (ii) Impugned order dated 07.05.2021 passed by respondent no.1-Divisional Commissioner, Nagpur is quashed and set aside.
- (iii) Respondent no.1 is directed to release the petitioner on emergency parole for a period of 45 days, on such terms and conditions as respondent no.1 deems fit and proper, within one week from the date of receipt of this order.

Rule is made absolute in the above terms.

JUDGE

JUDGE