

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

Criminal Writ Petition No.752/2021

Vinod Prakash Chapariya,
aged about 40 years, Occ-Nil,
R/o. Parawa, Post Talegaon, Dist. Yavatmal,
(Presently C/5774, at Central Prison, Amravati) ...Petitioner

VERSUS

1. Divisional Commissioner (Prison),
Amravati Division, Amravati.
2. Superintendent of Jail,
Central Prison, Amravati, District Amravati. ...Respondents

Mr. S.D. Chande, Advocate for the petitioner.
Mr. S.M. Ghodeswar, APP for respondents.

**CORAM: M.S. SONAK &
PUSHPA V. GANEDIWALA, JJ.**
DATE : 28-10-2021.

JUDGMENT (P C.)

Rule. The rule is made returnable forthwith. Heard finally
with consent of learned counsel for both the parties.

2. The petitioner, a life convict for the offence of murder, has
challenged the order of rejection of parole, dated 24-08-2021, passed
by respondent no.1.

3. Petitioner's application for parole was rejected because on earlier occasion, his application for furlough was rejected; and in police verification report, the apprehension to the life of the informant and the witnesses has been expressed in case the petitioner is released on furlough. It is further stated that as the convict who is not eligible for furlough is also not eligible for parole.

4. We have considered the rival submissions. There cannot be any doubt that, the eligibility for regular parole is based on the eligibility of the convict for furlough. As per rules, the regular parole is granted *inter alia* on the ground of serious medical condition of spouse, mother, father, son or daughter of the convict. The petitioner has annexed with the petition the medical papers of the wife of the petitioner suggesting surgical treatment i.e. Hysterectomy. It appears that the respondent No.1 has not dealt with this aspect in the impugned order. The impugned order vaguely refers to the apprehension expressed by the informant and the witnesses. It does not indicate any substantive ground on which the alleged apprehension is expressed by the informant and witnesses. The learned authority has not considered at all the ground on which parole leave is sought for by the petitioner.

5. Given the aforesaid facts, in the considered opinion of this Court, the matter needs to be relegated back to the authority to reconsider the application of the petitioner in the light of the above observations. In this view of the matter, we quash and set aside the impugned order dated 24-08-2021 and remand back the matter to the learned Authority to reconsider the same in the light of medical exigency of the wife of the petitioner. The same shall be decided within a period of two weeks from the date of communication of this order to the respondents.

6. The rule is made absolute in the above terms. No costs.

7. Petition stands disposed of.

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)