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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4490 OF 2018

Pramod @ Papa Pandurang Garad	.. Petitioner
Versus	
The State of Maharashtra	.. Respondent

None for the Petitioner.
 Mr. Ajay Patil, APP for State.

**CORAM : A. S. GADKARI &
 MILIND N. JADHAV, JJ.**

DATE : 3rd October, 2022.

P.C.:

1. The present Petition is received through Jail. In the Application dated 15.08.2018 Petitioner has stated that he is a life convict serving sentence in Kolhapur Central Prison, Kalamba, Kolhapur since last 6 years. That on 28.11.2017 he was released on parole leave to visit his family. That on 10.01.2018 he made an Application for seeking extension of parole leave for 15 more days. This Application was made before the Divisional Commissioner, Pune. His grievance is that the Competent Authority rejected his request. Thereafter the Appellate Authority by its Order dated 12.06.2018 upheld the Order of the Divisional Commissioner and rejected his Appeal.

2. We have heard Mr. Ajay Patil, learned APP and with his able assistance perused the record of the case.

3. Petitioner has stated that since his wife was unwell, on humanitarian grounds the aforesaid extension of 15 days ought to have been granted to him. The relief sought by the Petitioner in his Application is for the above request to be granted on the ground that in future he shall not seek extension. The prayer in the Application is not happily worded. Further the prayer as prayed for by the Petitioner cannot be granted as there is no challenge to the rejection order passed by the Competent Authority.

4. We have perused the rejection order passed by the Appellate Authority i.e. the Under Secretary, Government of Maharashtra dated 12.06.2018. Both the concurrent orders clearly state that Petitioner has overstayed his parole leave unauthorizedly by 15 days and the request of the Petitioner and relief sought by Petitioner in the present Petition has been considered by the said Competent Authorities. It is stated that however there is no provision for grant of the relief prayed for by the Petitioner in the Petition under the Maharashtra Prisons (Bombay Furlough and Parole) Rules, 1959.

5. We have carefully perused both the above Orders. We agree with the reasons given by the Divisional Commissioner and the Government of Maharashtra in their respective orders rejecting the request of the Petitioner. They call for no interference. Needless to state that the Petitioner shall be entitled to parole leave in accordance

with law in future considering the fact that the present Application
pertains to the year 2018.

6. With the above directions, Writ Petition stands disposed of.

[MILIND N. JADHAV, J.]

[A. S. GADKARI, J.]

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