



Judgment

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

CRIMINAL WRIT PETITION No. 363/2023..

Vilas Laxman Chavan,
C-5144, Aged about 47,
Presently lodged in Central
Jail, Amravati.

... **PETITIONER.**

VERSUS

1. Superintendent of Police,
Central Jail, Amravati.

2. Divisional Commissioner,
Bypass Road, Camp Amravati.

... **RESPONDENTS.**

Mr. H. Khandwani, Advocate (Appointed) for the Petitioner.
Ms N. Tripathi, A.P.P. for Respondents.

CORAM : VINAY JOSHI AND
M.W. CHANDWANI, JJ.

DATE : OCTOBER 27, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Rule. Rule is made returnable forthwith by consent of

Rgd.

learned Counsel appearing for the parties and matter is taken up for final disposal.

2. The petitioner who is a convict for the offence of rape, has applied for grant of regular parole on the ground of serious illness of his mother. The authority has refused to grant parole leave, which is the subject matter of this petition.

3. The authority has called for police verification report on which it was informed that there was no previous illness. Besides that, the authority held that the petitioner is dis-entitled for grant of parole leave on account of seriousness of the offence in terms of Rule 4[12] of the Prison (Bombay Furlough and Parole) Rules, 1959.

4. The learned Counsel appearing for the petitioner would rely on the decision of the Supreme Court in case of **Asfaq .vrs. State of Rajasthan and others – (2017) 15 SCC 55**, to contend that nature and seriousness of the offence is an insignificant factor for grant of parole leave.

5. We have gone through the police report wherein it has been stated that the mother of the petitioner was suffering from diabetes and was not under treatment. In view of that, we do not see any reason to interfere in the decision taken by the Authority. Accordingly we dismiss the petition with liberty to the petitioner to renew his prayer before the Authority by submitting requisite medical documents, which shall be independently considered. Rule discharged.

6. Fees of the appointed Counsel be paid as per Rules.

JUDGE

JUDGE