

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

CRIMINAL WRIT PETITION NO. 866/2022

(Ashish @ Maddy Virendra Rathod Vs. State of Maharashtra & anr.)

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

Court's or Judge's orders

Ms. S. Wankhede, Advocate for petitioner.
Mrs. N. R. Tripathi, APP for respondent Nos. 1 & 2.

CORAM: VINAY JOSHI AND
VALMIKI SA MENEZES JJ.

DATED : 14/02/2023.

Heard.

2. The petitioner a convict seeks to quash and set aside the order dated 16.11.2022 passed by the Divisional Commissioner, Nagpur rejecting regular parole for 30 days for medical treatment. It emerges that earlier the petitioner has applied for regular parole which was granted by the Authority on 29.08.2022. However, later on rejected on 16.11.2022 which is impugned herein.

3. The State has brought to the notice that already on 26.08.2022, the petitioner was released on furlough leave from which he returned on 24.09.2022. Thus, it is apparent that when the petitioner's parole application was allowed on 29.08.2022, already he was on furlough leave, therefore, if still subsequent cause arose or any emergent medical situation, the petitioner has to apply fresh.

4. In view of above, petition stands disposed of with liberty to the petitioner to file fresh application, if

petitioner applies for regular parole, the same shall be decided within four weeks from the date of application.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

Gohane

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