



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

948 CRIMINAL WRIT PETITION NO. 86 OF 2024

SANJAY JAGANNATH MALAWE (CONVICT NO.C/452)

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Ms. Chate Sharada Pundlik

APP for Respondents / State : Mr. K.N. Lokhande

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 12 JANUARY 2024

PER COURT :

Heard both the sides.

2. The petitioner who was granted 21 days parole leave by the order of this Court in Writ Petition No. 1768 of 2023 on 11 December 2023 was released on 23 December 2023.

3. Learned Advocate for the petitioner submits that he being the only son and his mother was required to be medically attended to, had sought the parole leave and was granted on that ground. However, for some reason or the other the entire investigation could not be done and the period of 21 days parole leave would come to an end on 14 January 2024. Since today is Friday i.e. 12 January 2024, it is unlikely that his application for extension could be considered by the authorities before the expiry of earlier leave.

4. Considering the above state of affairs, since by virtue of Rule 19 (3) a prisoner is entitled to maximum 45 days of parole leave in a year, we direct his application to be considered and decided either by treating it as an application for extension or as a fresh application for leave even if he surrenders after 14 January 2024, but shall not be rejected either on the ground that his request for extension having become infructuous or that a period of one and half year had not lapsed after the previous parole leave.

5. Respondent no. 2 shall pass appropriate order on petitioner's application as expeditiously as possible and in any case within a period of one week.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]