



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

CRIMINAL WRIT PETITION NO. 1825 OF 2023

**USMAN KHAN ISMAIL KHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Adv. Chate Sharada Pundlik
APP for Respondents/State : Mr. V.K. Kotecha

...

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

DATE : 10 JANUARY 2024

PER COURT :

- . Heard the learned Advocate for the petitioner.
2. The petitioner is challenging the order refusing to release him on parole leave which he had applied on the ground of illness of his wife.
3. The learned Advocate for the petitioner takes us through the papers, the certificate issued by the doctor and the impugned order. She would submit that though the doctor had certified regarding the illness of petitioner's wife, due to pressure, when the police made enquiry with him, he had said that the illness was not serious.
4. We are afraid not being experts, we cannot assess as to if illness with which petitioner's wife has been suffering is serious or otherwise. Following Rule 19 of the Prisons (Bombay Furlough and Parole) Rules,

1959 it is only on the ground of serious illness of a spouse, a prisoner is entitled to a parole leave. The medical certificate which the petitioner has been relying upon, does not specifically mention about the illness being serious.

5. In the light of above, we find no illegality in the order under challenge. The petition is rejected.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb.