



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

CRIMINAL WRIT PETITION NO. 198/2024

Ganesh Suresh Wagh

Vs.

Divisional Commissioner, Amravati and Anr.

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

Court's or Judge's orders

Mr. A. J. Dhoble, Advocate for Petitioner.

Ms. N. R. Tripathi, A.P.P for Respondents/State.

CORAM : VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.

DATED : 06/05/2024.

. Heard.

2. The petitioner has applied for grant of regular parole on account of illness of his mother. The said application was rejected by the Authority vide order dated 18.01.2024 by stating that the medical documents have not been produced and the petitioner has not completed the sentence imposed for the offence punishable under Section 397 of the Indian Penal Code. In view of the Rule 4(2) of the Prisons (Bombay Furlough and Parole) Rules, 1959, the prisoners who are convicted of the offences under Sections 392 to 402 of the Indian Penal Code are not eligible for furlough unless they have undergone the sentence stipulated for these offences.

3. Learned A.P.P. further pointed out that the petitioner applied for furlough on 16.02.2023 but he had not completed 8 years of imprisonment on that date. Learned A.P.P. would submit that as per certificate, he has completed 8 years, but that is a later event than the date of filing of parole application.

4. In view of the above, a re-look is required for fresh consideration. The impugned order of rejection dated 18.01.2024 is rejected. We hereby direct respondent No.1 to reconsider the petitioner's application for grant of parole and take appropriate decision within 4 weeks from today.

5. The petition stands disposed of in the above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)