



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

CRIMINAL WRIT PETITIOIN NO. 383/2024

(Gajanan Narayan Chavhan Vs. Divisional Commissioner, Amravati, Dist. Amravati & anr.)

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

Court's or Judge's orders

Ms. Rathan Singh, Advocate for petitioner.
Mrs. N. Tripathi, APP for respondent Nos. 1 to 2.

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

DATED : 06/05/2024.

Heard.

2. The petitioner has applied for regular parole on account of illness of his mother. The authority vide communication dated 11.03.2024 declined to entertain the application for the reasons that a period of one and half year is not passed from the last release.

3. In view of the Full Bench decision of this Court in case of **Kantilal Nandlal Jaiswal Vs. Divisional Commissioner, Nagpur, (2019) 6 Mah.L.J. 186**, the said reason is not sustainable in the eyes of law.

4. In view of the above, we direct the respondents herein to reconsider the petitioner's urge on other either ground and take appropriate decision as permissible according to law. The said exercise shall be completed within two weeks from the date of receipt of this Communication.

5. Petition stands disposed of in above terms.

6. We hereby direct the authority that they shall not reject the parole leave application on the ground which has been concluded by this Court in regard to the above referred Full Bench decision of this Court.

7. While parting with the order, we may reiterate that a similar order has been passed by the Superintendent of the Central Prison, Amravati in defiance with the dictum of the Full Bench of this Court. The said act of the respondent causes the convicts to unnecessarily approach this Court which also results into increasing of docket.

8. In view of above, we direct the Registrar (Judicial) to forward a copy of above referred Full Bench decision along with this order to the Superintendent of Jail, Central Prison, Amravati and forward his acknowledgment to this Court. The said exercise has a purpose that in future, if we notice such orders then we will be constrained to take necessary steps

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

Gohane