



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

CRIMINAL WRIT PETITION (WP) NO.438 OF 2024

- 1) Gudiya Ganesh Shahu (C-6363)
Aged about 28 years, Occ.: NA R/o
Plot No.A-6, Garib Nawaj Chowk,
Kharbi, Nagpur.

.... Petitioner(s)

// VERSUS //

- 1) Divisional Commissioner
Amravati, Dist. Amravati.
- 2) Superintendent of Jail,
Amravati Central Prison, Amravati.

.... Respondent(s)

Ms Ratna Singh, Advocate for the Petitioner/s
Ms Deshmukh, APP for the Respondents/State

CORAM: VINAY JOSHI AND ABHAY J. MANTRI, JJ.
DATED : 25/10/2024.

ORAL JUDGMENT : (PER : VINAY JOSHI, J)

1. Heard.
2. **Rule.** Rule is made returnable forthwith. Heard finally by the consent of the learned Advocates for the parties.

3. The present petition has been filed for invoking the constitutional powers of this Court for setting aside order dated 23.04.2024, passed by respondent No.1-Divisional Commissioner, Amravati, whereby the parole leave of the petitioner has been rejected.

4. The applicant has applied for parole leave on account of illness of her minor son. The authority has rejected her application only on the ground that if the petitioner is released on parole, it may create law and order problem.

5. It is informed that in last year also, the petitioner was released on parole leave for 21 days on which she had surrendered. During such period, no offence was registered against her.

6. We have perused the record from which it is evident that beside apprehension of law and order problem, there is no material on record against the applicant. The petitioner is a lady, seeking parole on account of illness of her minor son.

7. Having regard to the above aspects, the impugned order would not sustain in law, as it is bereft of substantial reasons. In view of above, we pass the following order:

- (i) The writ petition is **allowed**.
- (ii) The order passed by respondent No.1-Divisional Commissioner Amravati on 23.04.2024 is hereby quashed and set aside.
- (iii) We hold that the petitioner is entitled for parole leave as claimed.
- (iv) The respondent No.1 shall pass a consequential appropriate order within two weeks from the date of receipt of this order by imposing suitable conditions, as he deems fit.

Rule is made absolute in the above terms. No costs.

[ABHAY J. MANTRI, J]

[VINAY JOSHI, J]