



Judgment

wp769.24

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

CRIMINAL WRIT PETITION NO. 769 OF 2024.

Kailash Vitthalrao Waghmare,
Aged 45 years, resident of Ekamba
Tahsil Himayatnagar, District
Nanded C/300, Open Prison, Nagpur. ... PETITIONER.

VERSUS

1.Divisional Commissioner,
Nagpur Division, Nagpur.

2.Superintendent of Jail,
Open Prison, Nagpur,
District Nagpur. .. RESPONDENTS.

Ms S.B. Khobragade, Advocate for the Petitioner.
Mr. A.M. Joshi, A.P.P. for Respondents.

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

DATE : SEPTEMBER 26, 2024.

Rgd.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

Rule. Rule is made returnable forthwith and by consent of the learned Counsel for the parties, the matter is taken up for final disposal.

2. The petitioner has prayed for grant of parole leave on account of illness of his father. The Authority has rejected his urge by the impugned communication dated 11.07.2024. The rejection is mainly on the ground that mother of petitioner has refused to stand as surety.

3. As regards to reason for seeking parole is concerned, that is not in dispute. The learned Counsel for the petitioner would submit that mother of the petitioner is an illiterate lady and she is ready to stand as surety, however, mistakenly the police has understood that she does not wish to stand as surety. In the circumstances, we proceed

Rgd.

to pass the following order.

ORDER

- [i] Criminal Writ Petition is allowed and disposed of.
- [ii] The order dated 11.07.2024 passed by respondent no.1 is hereby quashed and set aside. The matter is relegated back to the said Authority, where the mother of petitioner shall appear and express her willingness about acting as surety for the petitioner, on which the Authority shall pass appropriate order within a period of four weeks.
- [iii] Rule is made absolute in aforesaid terms with no order as to costs.

JUDGE

JUDGE

Rgd.