



Judgment

922 wp 901.23

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

CRIMINAL WRIT PETITION NO. 901/2023

Ashwin Deepak Telang (C-5546),
Aged about 40 yrs., Occ. NA,
R/o. Ambedkar Nagar, Patipura,
Yavatmal,

... **PETITIONER**

VERSUS

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

... **RESPONDENTS**

Ms. Ratna Singh, Advocate for petitioner.
Mrs. N. Tripathi, APP for respondent Nos. 1 & 2.

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

DATE : 13.03.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally by
consent of learned counsel appearing for the parties.

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3. The petitioner has been convicted for the offence punishable under Section 302 of the Indian Penal Code along with other offences in Sessions Case No. 32/2018 and has been directed to undergo imprisonment for life. The petitioner has applied for regular parole on account of illness of his mother. However, the respondent No.1 Divisional Commissioner has rejected the same vide impugned order dated 15.02.2023.

4. Regular parole has been rejected on the ground that the petitioner did not surrender on due date on earlier occasion and while he was on parole/furlough leave, he has committed an offence. Reply/affidavit bears chart about the past release. It reveals that the petitioner was earlier released on furlough leave on 14.10.2021 whilst he has surrendered on due date on 05.11.2021. Chart indicates that later on, the petitioner was released on special parole leave on 24.11.2021. The chart does not indicate whether he has surrendered on due date. Thus, the first ground that the petitioner surrendered late or brought by arrest has not been supported by any material.

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5. As regards to the second ground of rejection, when the petitioner was on Covid parole leave, crime has been registered. We have perused the copy of concern First Information Report registered with Audutwaid Police Station. It is alleged that the petitioner has entered into the house of informant, gave threat and demanded mobile by giving abuses. The petitioner has produced the copy of complaint dated 18.04.2022 alleging that the said informant is giving threat to him. Having regard to the nature of accusation, in our view that will not be substantial reason for rejection.

6. The petitioner has claimed regular parole on account of illness of his mother. The petitioner has produced the documents to that effect. The authority has not doubted the said material. Having regard to the above facts, we are of the view that the petitioner is entitled for regular parole for the reasons canvassed. Hence, petition is allowed. We hereby quash and set aside the impugned order 15.02.2023 passed by the respondent No.1 Divisional Commissioner.

7. The petitioner be released on regular parole leave within a period of four weeks from the date of this order by imposing

necessary conditions the authority may deem fit.

8. Petition stands disposed of in above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)