



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

CRIMINAL WRIT PETITION NO.103 OF 2024

Sunil Rameshchandra Zade
Convict No. C/7510 Aged 30 years,
Occ: Nil, Address- Sai Nagar, Ward
No. 5, PO. Wardha, Dist -Wardha.
(Presently at Nagpur Central Jail)

Petitioner

-Versus-

1. State of Maharashtra, Through Divisional
Commissioner, Nagpur.
2. The Superintendent, Central Prison
Nagpur

Respondents

Ms.Shweta Chawhan, Advocate for the petitioner.
Ms.N.R.Tripathi, APP for the respondent No.1.

CORAM : SMT.VIBHA KANKANWADI AND
MRS.VRUSHALI V. JOSHI, JJ.

DATE: 27.06.2024

JUDGMENT (Per : Vrushali V.Joshi, J.)

1) Rule. Rule made returnable forthwith. The Writ Petition is heard finally with the consent of the learned counsel for the parties.

2) The petitioner by this instant petition is seeking to challenge the order dated **06.12.2023** passed by respondent no.1, Divisional Commissioner, Nagpur, thereby rejecting the parole.

3) The petitioner has applied for grant of regular parole for 30 days through the jail authority on 26.09.2023. The police authorities after conducting the inquiry submitted the report dated 15.11.2023.

4) The petitioner has taken into account the following grounds for the grant of parole:- (a) due to the road accident of the father of present petitioner on 09.06.2023, the rod was inserted in his leg and the leg became infected, as a result of which gangrene is developed in his leg (b) and there is nobody in the family of the petitioner to take care of his father except old aged mother, who is suffering from locomotor disability in right side finger and his leg is fractured and also suffering from the stomach ulcer. It is advised by the hospital that, the father has to be operated at the earliest or it would result into the segregation of his leg.

5) It is the contention of respondent no.1 that, in the verification report of the investigating authority, it is mentioned that, in the year 2008, when the petitioner was released on regular parole he did not surrendered on due date but on 23.03.2022 was arrested by police after **4928** days. There is a strong possibility that he will abscond again if the regular parole is granted to the petitioner and might commit a cognizable offence. It cannot also be guaranteed that he will remain present at the Thane Police Station, Thane, Mumbai.

- 6) Heard both the learned counsel.
- 7) The petitioner has applied for the special parole as the father of the petitioner is required to be operated in J.J. hospital, Bombay. The petitioner was earlier released on Regular Parole in the year 2008 and he was brought by police on 23.03.2022 after 4928 days i.e after 13 years. On 23.03.2022, he was brought by the police. Immediately, he has applied for parole after completion of two years. As per the Government resolution dated 16.04.2018 rule 4(10) it is clearly mentioned that *“the prisoners who have at any time escaped or attempted to escape from lawful custody or have defaulted in any way in surrendering themselves at the appropriate time after release on parole or furlough.”* Therefore, as per rule he is not entitled for parole.
- 8) Before rejecting the application, the Divisional Commissioner has called the police report. Though the reason given for the operation of the father is correct, as the petitioner has not followed the rules on earlier leave on parole, he is not entitled for parole. Writ Petition stands dismissed.
- 9) Rule stands discharged.

(MRS.VRUSHALI V. JOSHI, J.) (SMT.VIBHA KANKANWADI, J.)