



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

CRIMINAL APPLICATION (APL) NO. 837 OF 2024

Abdul Nadeem Abdul Majid, Aged about 42 years, R/o Jamil Colony, Amravati, (presently at Central Prison Amravati, having C.6229) **Applicant.**

-Versus-

1. State of Maharashtra, through Police Station Officer, Police Station Nagpuri Gate, District Amravati.
2. Superintendent of Central Prison, Amravati, District Amravati. **Non-applicants.**

Mr.P.Kaware, Advocate for the applicant.
Mr.Anup Badar, APP for the non-applicants.

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

DATE : 5th AUGUST, 2024

ORAL JUDGMENT: (Per: Vinay Joshi, J.)

Heard.

2. **Admit.** The Criminal Application is heard finally with the consent of the learned counsel appearing for the parties.

3. This is an application seeking to quash the First Information Report No.128 of 2024 for the offence punishable

under Section 224 of the Indian Penal Code registered with Police Station Nagpuri Gate, District Amravati.

4. It is the case of the prosecution that on 13.02.2024 the applicant was released on parole leave for 45 days. Due date for surrender was 30.03.2024 but as the applicant did not return, the report has been lodged alleging that the applicant has escaped from the lawful custody and therefore the offence.

5. The learned counsel appearing for the applicant would submit that one month preceding to the due date, i.e. on 28.02.2024 itself, the applicant has applied for extension of parole leave on account of serious illness of his wife, however the authority rejected the same on 28.03.2024. The applicant has challenged the rejection in the Criminal Writ Petition No.297 of 2024. This Court vide order dated 03.04.2024, has allowed the extension for the period of 15 days from 30.03.2024 i.e. in-continuity. Thus, it emerges that though on the date of lodging of the First Information Report (dated 01.04.2024), there was no extension but by virtue of subsequent order of this Court intermittent period has been validated on account of grant of extension.

6. In view of above, continuation of prosecution would be abuse of the process of Court. Hence, the Criminal Application is allowed. We, hereby quashed and set aside the First Information Report No.128 of 2024 for the offence punishable under Section 224 of the Indian Penal Code registered with Police Station Nagpuri Gate, District Amravati.

7. The Criminal Application stands disposed of.

(MRS. VRUSHALI V. JOSHI, J)

(VINAY JOSHI, J)