



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 CRIMINAL WRIT PETITION NO. 1359 OF 2024

MD RAFIQUE ABDUL SAMAD SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Ms. S. P. Chate
APP for Respondent/State : Smt. R. P. Gour
...

**CORAM : SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.**

DATED : 16th JANUARY, 2025

PER COURT :-

1. The petitioner challenges orders dated 21.05.2024 and 10.07.2024 passed by respondent Nos.2 and 3 thereby rejecting the parol leave to the petitioner.

2. Heard learned Advocate for the petitioner as well as learned A.P.P and perused the documents. The first and foremost fact is to be noted is that the petitioner relies on Medical Certificate issued by Dr. Kuldeep Yermune of Yermune Diabetes Care and Durgeshwari Mata Clinic, situated at Kantewar Complex, Juna Bus Stand Road, Degloor, District Nanded dated 10.04.2024, which is in respect of his mother, wherein, it is stated that the mother is suffering from Fibroid? Malignant? Cancer, leison and certified that she should be treated at

Super Speciality Gynaecology and Obstetrics Hospital with oncology treatment. The doctor, who has issued certificate has qualification of MBBS. The certificate does not say that there was any Sonography or X-Ray done. On what basis the diagnosis has been fixed is a question which is also not sure in view of the question marks given.

3. Thereafter, the petitioner also relies on the Medical Certificate issued by Primary Health Center, Terkheda, Taluka Washi, District Usmanabad which shows that she has gynaec problem and there is a remark that she requires detailed examination for the gynaec problem and appropriate treatment. It also says "Accordingly might require surgical treatment". So this certificate is also not helpful and is not definite. Under such circumstances, authorities were justified in rejecting the parol leave.

4. Learned counsel for the petitioner has tried to contend now that there is a danger to the life of the petitioner at Mumbai and therefore he has a plan to get his mother operated elsewhere in the State and therefore these certificates have been collected. It appears that this kind of reason was not put before the concerned authority who were entrusted to decide the leave application. Under such circumstances, that cannot be added for the first time in the Writ

Petition, we do not find any illegalities in the orders passed.

5. Petition stands rejected.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

A.G.Narwade