



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 CRIMINAL WRIT PETITION NO. 2074 OF 2024

Akshay Shesherao Dudbhate

Age : 29, Occu: Prisoner,

R/o. C-5539, Central Jail,

Chha. Sambhaji Nagar.

... Petitioner

VERSUS

1. The State Of Maharashtra
Through its Principal Secretary,
Home Department, Mantralaya
Mumbai-32.
 2. The Deputy Inspector of Police (Prison),
Central Prison, Harsool,
Aurangabad District Aurangabad.
 3. The Divisional Commissioner,
Commissioner Office,
Aurangabad
 4. The Additional Director General of Police,
Pune, old Central Building -2 Floor,
Pune, 411 001.
- ... Respondents

...

Mr. Parghane Madhukar Maroti, Advocate for the Petitioner

Mr. S. A. Gaikwad, APP for Respondent/State

...

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

DATED : 27th MARCH 2025

PER COURT :-

1. Present Writ Petition has been filed challenging the order dated
10.07.2024 passed by Additional Directorate General of Police, Prison

thereby rejecting the application for medical parole leave of the petitioner.

2. Heard Mr.Parghane learned Advocate for the petitioner and perused the documents.

3. The learned Advocate for the petitioner is relying upon Medical Certificate of his mother issued by Dr. Hema Sudhir Patil, Consulting Gynecologist from Sangali dated 1st February 2024. Perusal of the said certificate would show that his mother is stated to be suffering from fibroid of uterus with severe anemia and was advised to investigate and operate for the same. Except this Medical Certificate issued by the said private hospital, no other document was produced by the petitioner. Even, till today the papers regarding further investigation have not been filed and now the learned Advocate for the petitioner submits that his mother is taking treatment with J.J. Hospital, Pune. First of all, there is no document to show that his mother is resident of Sangali. If it is so, why she is now taking treatment at Pune is a question. Though, we may not have gone into the technical aspect that the Medical Certificate is not certified by Government Hospital yet the said Medical Certificate is a basic document, wherein, only advise to undergo operation has been given.

4. Statement was made on behalf of the petitioner that in respect of other inmates without even the medical certificates those inmates

have been released on parole on medical ground. In respect of this point we would like to say that unless the petitioner would have been complying with the documents as required under the Rules he cannot rely upon the defects in respect of the other inmates. Another aspect which is required to be considered is that apart from the matter in which he has been convicted, it appears that he is also involved in other three offences. Two of which are registered at Warje Malwadi Police Station, Pune and one more at Deccan Police Station, Pune. Two of these are under Section 307 of the Indian Penal Code, 1860. Therefore, in addition to the rules if these factors are taken into consideration then it cannot be said that respondent/authority has committed any wrong.

5. If any further cause of action is arisen for the petitioner he would be at liberty to take appropriate steps. With these observations we do not find this to be a fit case, Writ Petition stands dismissed.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE