



(1)

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

CRIMINAL WRIT PETITION NO. 400 OF 2026

1. Virendra Motilal Rahore,
Aged 67 Years,
R/o. Kunjilalpeth Rameshwari Road
post, Bhagwan Nagar, Nagpur,
Occupation - Private Business.

.... PETITIONER

// VERSUS //

1. State of Maharashtra through the
Superintendent, Central Prison,
Nagpur.
2. The DIG Prisons (East Division),
Nagpur

.... RESPONDENTS

Mr. S. D. Sahoo, Advocate for petitioner.
Ms. N. R. Tripathi, APP for State.

CORAM : URMILA JOSHI-PHALKE AND
NIVEDITA P. MEHTA, JJ.
DATED : 09/06/2026

ORAL JUDGMENT : [Per : URMILA JOSHI-PHALKE, J.]

1. Heard.
2. **Rule.** Rule made returnable forthwith. Heard finally
by consent of the learned counsel for the parties.
3. It is the contention of the petitioner that his son
Ashish Virendra Rathore is convicted and undergoing life
imprisonment at Central Prison, Nagpur in an offence under
Section 302 of the Indian Penal Code and has already undergone
more than 11 years of imprisonment and is seeking for extension

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of regular parole leave. The said request was considered by the respondents and he was extended with the regular parole leave by order passed by respondent No.2 on 09.04.2026. During the parole period, he suffered heatstroke and was admitted in the hospital. As per the medical advice, he needs continuous attention and rest for more 15 days. He was directed to surrender by 10.06.2026, and therefore, he has approached this Court.

4. Heard learned counsel for the petitioner. He reiterated the said contentions and submitted that considering the physical condition of the petitioner's son which is unstable and has been hospitalized, it would not be possible for him to surrender before the prison on due date. Therefore, he prayed that the period of parole be extended by two weeks.

5. Learned APP filed her reply and strongly opposed the said contentions. She invited our attention towards the Notification issued by the Home Department dated 02.12.2024, especially Rule No.18. It speaks about the extension of parole and it states that parole shall not be extended beyond the sanctioned period under any circumstances. She submitted that in view of that, the petition deserves to be dismissed.

6. On hearing both sides and on perusal of the documents, there is no dispute that the son of the present petitioner was convicted for the offence punishable under Section

(3)

302 of the Indian Penal Code and sentenced to suffer imprisonment for life. He was extended with the concession of regular parole by order of respondent No.2 dated 09.04.2026. During the parole period, he suffered heatstroke. The medical certificate which is placed on record, issued by Venus Polyclinic shows that he needs continuous hospitality and made a medical care for at least 15 days. He is weak and not able to walk and move. Thus, the contention of the convict and the petitioner is supported by the medical certificate. Admittedly, the rule states that the parole shall not be extended beyond the sanctioned period under any circumstances, however, considering the medical condition of the prisoner and now he has already undergone the hospitalization of 9 days, the petition deserves to be allowed partly. Accordingly, we proceed to pass following order:

ORDER

- (i) The Writ Petition is **allowed partly**.
- (ii) The extension of one week was granted to the son of the present petitioner to surrender before the Superintendent of Central Prison, Nagpur.
- (iii) On violation of this condition, the Superintendent of Central Prison, Nagpur, is at liberty to take appropriate action against the present petitioner.

Rule accordingly.

(NIVEDITA P. MEHTA, J)

(URMILA JOSHI-PHALKE, J)