



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.1602 OF 2024

Kundan Suresh Pardeshi,
C/No.9966

...PETITIONER

VERSUS

The State of Maharashtra
and others.

...RESPONDENTS

...
Ms. Sharda P. Chate Advocate for Petitioner.
Mr. G.A. Kulkarni, A.P.P. for Respondents.
...

**CORAM: SMT. VIBHA KANKANWADI AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 9th SEPTEMBER, 2024

ORDER :

1. Present Petition has been filed for following reliefs:

“(b) This Hon’ble High Court may be pleased to issue appropriate writ, order or directions to quash and set aside the impugned order dated 28.08.2024 passed by the Respondent No.2 to [EXH-‘B’] and to sanction 30 days extension of parole leave to the petitioner on humanitarian grounds in the interest of justice.
OR

(c) That this Hon’ble Court be pleased to issue a writ in the nature of Mandamus, or an order or direction in the nature of Mandamus, directing the Respondent Nos.2 & 3 to release the petitioner for 30

days extension of parole leave to the Petitioner on humanitarian grounds as mentioned in the petition, in the interest of justice."

2. The petitioner – convict, was convicted for the offence punishable under Section 302 of the Indian Penal Code by Judgment and order dated 11th July 2023 by the learned Additional Sessions Judge-1, Nashik and has been sentenced to suffer imprisonment for life. It appears that as he was arrested on 28th July 2016, till the date of Judgment and order he had undergone the sentence of eight years and therefore, he sought parole leave for 30 days for his own marriage on 27th July 2024. The order for parole leave was passed by this Court on 25th July 2024. During the parole leave period, the petitioner had filed application for extension of the parole. That application was filed on 21st August 2024 for the purpose of wife's medical treatment, as she was pregnant for more than three months and there were issues those were cropped up. It is stated that his wife's sonography shows that there are some problems as regards cervical cerclage and medical certificate to that effect has been produced. However, the said application filed by the petitioner came to be rejected on 28th August 2024 by respondent No.2. Hence the present Petition.

3. Heard learned Advocate Ms. Chate appearing for the petitioner and learned APP Mr. Kulkarni appearing for the respondents.

4. Perusal of the documents annexed would show that the wife of the petitioner appears to be resident of Nashik, still had taken treatment on OPD basis with one Eagle Multispeciality Hospital, Ranjangaon, Taluka-Gangapur, District-Aurangabad on 20th March 2024 and then on 22nd May 2024. However, those documents are not clear as to for what purpose the treatment was given. Then the OPD sheet of the same hospital dated 17th June 2024 shows that there were symptoms of pregnancy and it is stated that the high risk pregnancy, age factor was explained to the patient. Then again she was treated on OPD basis on 22nd July 2024. Thereafter, it appears that she has taken treatment on OPD basis at District Hospital, Nashik on 8th August 2024 and 20th August 2024. Then again petitioner has filed medical certificate of his wife issued by Eagle Multispeciality Hospital dated 30th August 2024, wherein it has been certified that wife of the petitioner has been adviced cervix cerclage within a week.

5. Learned Advocate for the petitioner, upon inquiry, submits that the authorities from District Hospital, Nashik are not ready

to give certificate. In fact we are not convinced with these documents and the fact that though wife of petitioner is resident of Nashik, would try to get the treatment from the hospital at Ranjangaon, Taluka-Gangapur, District-Aurangabad.

6. It will not be out of place to mention here that while dealing with the parole applications in recent times, we have come across that the inmates are bringing certificates issued by this particular hospital i.e. "Eagle Multispeciality Hospital, Rajnajaon". Especially in today's matter the certificate is issued by Dr. Suraj S. Rana, who appears to be an accused in Crime No.319 of 2019 registered with Pundlik Nagar Police Station, District-Aurangabad, for the offence punishable under Sections 120-B, 314, 203, 201 of the Indian Penal Code. When we are coming across the certificates issued by the same hospital, there has to be an inquiry into the matter, as to whether there is any connection. Therefore, we deem it fit to issue directions to the District Superintendent of Police, Aurangabad to conduct the inquiry either by himself or through responsible high rank officer, to see how frequently the certificates are issued and what is the connection, as only one hospital is now issuing such certificates. The inquiry should be made as expeditiously as possible and the

report in sealed cover be submitted to this Court within a period of 15 days from today.

7. Learned APP to communicate this order to the District Superintendent of Police, Aurangabad.

8. Since we are not believing in the said certificate, we reject the prayers in the Writ Petition.

9. The matter is kept pending only for the purpose of getting the inquiry report and further directions that may be passed.

10. Stand over to 23rd September 2024.

11. Parties to act upon authenticated copy of this order.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE