



MCRC No.25227-2025

**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE**

**HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

**ON THE 24<sup>th</sup> OF JULY, 2025**

**MISC. CRIMINAL CASE No. 25227 of 2025**

***HEMANT***

*Versus*

***THE STATE OF MADHYA PRADESH***

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**Appearance:**

*Shri Vivek Singh – Senior Advocate with Shri Aman Yadav-  
Advocate for the petitioner.*

*Shri Madhusudan Yadav- G.A. for the State.*

*Shri Anil Ojha- Advocate for the objector.*

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**ORDER**

Heard finally, with the consent of the parties.

2] This petition has been filed by the petitioner/accused under Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023/482 of the Cr.P.C., for grant of temporary parole to the petitioner Hemant S/o. Late Shri Rameshchandra Yadav. The petitioner seeks the following reliefs:-

**“RELIEF PRAYED FOR :**

It is, therefore, prayed that appropriate writ/order/ direction may kindly be issued and the petitioner May kindly be released from prison for a period of one month looking to the Medical emergency of his mother in relation to his conviction in the S.T. No. 7/99 passed in respect of Crime No. 301/1996 at PS. Tukoganj, Indore (M.P.), in the interest of justice.

Allow the petition with cost any grant any other relief, which may deemed just and expedient in the premises aforesaid, in the interest of justice.”



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3] The petition has been filed on the ground that the petitioner has already been convicted by the Trial Court in S.T. No.7/1999 vide its order dated 29.02.2000, in connection with an offence punishable under Sections 307 of the Indian Penal Code, 1860 and Sections 25(1B)(b) and 27 of the Arms Act, 1959. The said judgement has already been affirmed by this Court in Criminal Appeal No.371/2000 vide its judgement dated 08.08.2019, and being aggrieved of the same, the petitioner also preferred a Special Leave Petition bearing Diary No.40493/2019 before the Supreme Court, which also came to be dismissed on 01.03.2021.

4] Counsel for the petitioner has submitted that the petitioner is undergoing sentence since 17.10.2023 and during this period, he was also diagnosed with blockages in heart, and hence, he was referred to Aurobindo Hospital for treatment on 22.11.2023, and he has also been advised to go to some higher facility for further management of his disease, and in such circumstances, he also filed a Writ Petition No.29813/2023, which was disposed of by this Court on 11.12.2023 granting two months to undergo the surgery, and after his surgery, he was also advised bed rest for three months, however, his application for extension has already been rejected on 08.04.2025 in W.P. No.29813/2023, and hence, the petitioner has already surrendered before the Trial Court in the month of May, and the present petition has been filed for yet another parole to the petitioner on the ground of ailment of his 95 years old mother, who is severely ill. A certificate to his effect has also been filed on record. It is also submitted that the petitioner has not misused the liberty extended to him, and in such circumstances, he may be released on parole to look after his mother.



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5] Counsel for the respondent, as also the objector, on the other hand, have opposed the prayer.

6] Counsel for the objector has submitted that no case for such parole is made out, as the petitioner has also committed yet another offence after he was released on parole on the last occasion, as an FIR at Crime No.114/2025 has also been lodged against him at Police Station Juni Indore under Sections 140(3), 115, 296, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, wherein it is alleged that the applicant abducted the complainant and assaulted him, and demanded 50% of the ownership of the complainant's wine shop.

7] In rebuttal, counsel for the applicant has submitted that the aforesaid FIR has been lodged only with a view to falsely implicate the applicant while he was out on parole due to his ailment.

8] Heard. Having considered the rival submissions, and on perusal of the record, it is apparent that although, the petition has been filed under Section 528 of B.N.S.S., but the relief sought as reproduced above, pertains to a petition filed under Article 226 of the Constitution of India. Be that as it may, this Court is of the considered opinion that in either case, the petition is wholly misconceived, and the petitioner has been ill advised to file the petition for parole, even after the confirmation of his conviction by the Supreme Court. This Court is of the considered opinion that once a final order is passed in a criminal appeal by this Court in connection with any crime, no further orders can be passed for release of the accused, except in accordance with law, and admittedly, the petitioner has not pleaded any law under which he is claiming his parole. On the other hand, he has already misused the liberty extended to him by this Court in the earlier parole order passed by this Court in W.P. No.29813/2023 dated 11.12.2023, as a case



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Sections 140(3), 115, 296, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 at Crime No.114/2025 has also been registered against the petitioner at Police Station Juni Indore.

9] In view of the same, the petition being devoid of merits, is hereby dismissed with a cost of Rs.10,000/-, which **shall be paid by the petitioner in the account of -President and Secretary H.C. Employees Union H.C. (Account No.63006406008, Branch Code No. 30528, IFSC No. SBIN0030528, CIF No. 73003108919) within a period of one week from today and obtain a receipt.**

10] M.Cr.C. stands *dismissed*.

(SUBODH ABHYANKAR)  
JUDGE