

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 246 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 No

SHABASHKHAN NURKHAN PATHAN

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner
Mr. N.D. Gohil, APP for Respondents

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 28/02/97

ORAL JUDGEMENT

1. Rule. Mr. N.D. Gohil, learned Addl. Public Prosecutor waives service of rule on behalf of the respondents.
2. Pursuant to the directions issued on 26th February, 1997, the Superintendent, Ahmedabad Central

Jail, has filed the report and the I.G. Prison has also taken the decision. The decision, inter alia, indicates that the prisoner absconded during his release in the year 1994 and that the reason stated in this petition is not one, which has been included in the relevant guidelines of the Home Department. The report, however, indicates that the petitioner's jail conduct is good. It is submitted that the petitioner was released on temporary bail during the year 1995 and the prisoner has surrendered in time. A reference has been made to a decision of this court in Special Criminal Application No. 236 of 1996 rendered in the case of Sabarkhan Nurkhan Pathan vs. State of Gujarat on 29th February, 1996 (Coram D.G. Karia, J.). Reference there has been made to Rule 19 and the amendments made therein from time to time, of the Bombay Parole and Furlough Rules, 1959. Insofar as the parole and the furlough are concerned, the provision which has been referred to is stated to include "sufficient cause" for grant of parole. The marriage invitation card indicates the connection of the prisoner as the maternal uncle of the concerned candidates for marriage. The marriage occasion is scheduled on 2nd and 3rd March, 1997. In the facts and circumstances of the case, therefore, the following order is required to be passed.

3. The prisoner shall be released on parole on usual terms and conditions, and if found necessary, other terms and conditions, that may be imposed by the concerned Jail Authority of the respondents, for a period upto 5th March, 1997 so as to surrender back on 6th March, 1997. Rule is made absolute in the aforesaid terms. Direct service is permitted.
