

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 767 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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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?

RAFIKBHAI OSMANBHAI

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner

Mr S J Dave, APP for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2, 3

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 31/08/98

ORAL JUDGEMENT

Heard the learned Advocate for the petitioner and the learned APP.

The petitioner has been convicted for offence under section 304 (part-II) of I.P.C. and sentenced to 5 years imprisonment. The petitioner has not preferred any

Appeal. It is submitted that the petitioner has already undergone 4 years rigorous imprisonment. On an earlier occasion, he had filed parole leave and did not misuse the liberty. The prayer for parole leave has been rejected by the jail authorities on account of adverse police report.

2. Considering all facts and circumstances of the case, it is directed that the petitioner shall be released on parole by appropriate order to be issued by I.G . (Prison) on usual and just conditions. Rule made absolute to the aforesaid extent.

31.8.98 [N N Mathur, J]
msp.