

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 897 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?

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SHAMSHERKHAN ALLAUDDIN

Versus

STATE OF GUJARAT

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Appearance:

MS KD PARMAR for Petitioner

Mr H L Jani, APP for Respondent No. 1

NOTICE SERVED for Respondent No. 2, 3

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 16/10/98

ORAL JUDGEMENT

The petitioner has been denied furlough leave on the ground of adverse police opinion. It was also stated that nobody was prepared to stand surety for the petitioner for his surrender. On the last date it was stated by the learned Advocate that Mr Allaudin is prepared to stand surety for the petitioner. However,

the surety bond of Allaudin has not been accepted on the ground that he is the father of the detenu and further the fact that he was also one of the accused in the murder case in which the petitioner has been convicted. The learned Advocate stated that in the said case, Allaudin has been acquitted. In my view, simply because Allaudin was an accused in the said case cannot be a ground for refusing to accept the surety bond on his behalf. It is to be noticed that he has been acquitted of the charge. Police report is said to be adverse, but the same is vague. In my view, the petitioner is entitled to furlough on just and reasonable conditions.

2. In view of the aforesaid, this Special Criminal Application is allowed. The respondents are directed to grant furlough leave in accordance with law on just and reasonable conditions. Rule made absolute.

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msp.