

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**SPECIAL CRIMINAL APPLICATION No. 767 of 2006**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE RAVI R.TRIPATHI**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
  - 2 To be referred to the Reporter or not ?
  - 3 Whether their Lordships wish to see the fair copy of the judgment ?
  - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
  - 5 Whether it is to be circulated to the civil judge ?

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**BHARATSINH KHUMANSINH - Applicant(s)**  
**Versus**  
**STATE OF GUJARAT & 2 - Respondent(s)**

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**Appearance :**

THROUGH JAIL for Applicant(s) : 1,  
 MR KT DAVE, ADDITIONAL PUBLIC PROSECUTOR for the Respondents

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**CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI**

**Date : 05/05/2006**

**ORAL JUDGMENT**

1. Rule. Mr.K.T.Dave, learned Additional Public Prosecutor waives service of rule on behalf of the respondents.

2. Pursuant to order dated 29.04.2006, an affidavit affirmed by Shri Somnathsinh P.Jadeja, Superintendent of Jail, Sabarmati Central Prison, Ahmedabad is filed. The

deponent has stated in paragraph No.2 that:

"..... I further say that after going through relevant records of the case, jail punishment will be reconsidered by me in accordance with Rules and law and I assure to the Hon'ble Court that mistake committed by forfeiting remission of 3863 days will be rectified by me....."

3. Present application is filed for dual purpose. One to get his father treated and second to consider the jail punishment imposed on the petitioner - convict.

Earlier, the petitioner - convict had applied for similar reliefs to the authorities which was rejected by the authorities taking into consideration the adverse police opinion and the apprehension expressed by the District Superintendent of Police, Surendranagar that the petitioner - convict is likely to abscond, if released.

The earlier record shows that in the year 1992, he was released on temporary bail for a period of 15 days to undertake the agricultural operations. He did not report after expiry of period of 15 days and absconded and his presence could be secured only after **3863 days** late. Taking that into consideration, the authorities have rejected his request for grant of parole.

4. This Court, taking into consideration the imposition

of the punishment of forfeiture of remission to the extent of 3863 days, had asked the authorities to file affidavit, explaining the same, which is done by the aforesaid affidavit. The present application is rejected having found that no case is made out for grant of any relief/s sought for. Rule is discharged.

(RAVI R. TRIPATHI, J.)

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