

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**SPECIAL CRIMINAL APPLICATION No. 811 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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**THROUGH HIS FATHER SHANKARJI VARVAJI THAKORE - Applicant(s)**  
**Versus**  
**THE STATE OF GUJARAT & 1 - Respondent(s)**

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**Appearance :**

MS SUSHMA S SHAH for the Petitioner  
 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. Present is the application filed by the father of the convict, who is ordered to be in jail by the learned Judicial Magistrate, First Class, Kalol for a period of

15 days for non-payment of the maintenance amount for every month.

It is not in dispute that the son of the petitioner has not paid the maintenance amount since 14.10.2003. Thus, he is in jail for breach of the order passed under Section 125 of the Criminal Procedure Code.

3. Mr.K.T.Dave, learned Additional Public Prosecutor pointed out that the Parole Rules are not applicable to persons like the son of the petitioner, who is in jail for breach of the order passed under Section 125 of the Criminal Procedure Code.

Learned Additional Public Prosecutor further pointed out that as there is no appeal pending before this court, there is no question of grant of temporary bail also. Learned Additional Public Prosecutor submitted that this Court has no jurisdiction to entertain the present application and grant any relief to the son of the petitioner.

4. In view of that, this application is rejected. Rule is discharged.

(RAVI R.TRIPATHI, J.)

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