

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CRIMINAL APPLICATION No. 1503 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

Sd/-

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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
? **1 to 5 NO**

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VIJAYKUMAR KESUBHAI SORATHIYA - Applicant(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MS SUBHADRA G PATEL for Applicant(s) : 1,

MR DIPEN DESAI ADDL PUBLIC PROSECUTOR for Respondent(s) : 1-3

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 31/08/2007

ORAL ORDER :

1. Rule. Learned A.P.P. waives service for
the respondents.

2. Learned A.P.P. submitted, relying upon a copy of the affidavit-in-reply of District Magistrate, Vadodara, of which the original is stated to have been filed in the office, that the application made on behalf of the petitioner for parole on the ground of his own marriage was submitted on 3.8.2007 and necessary report from Superintendent of Police, Amreli was called. Such report was submitted on 16.8.2007 but received by the office of District Magistrate only on 22.8.2007 on which date the authority was to consider and decide the application. However, before that date, this court had, by interim order dated 21.8.2007, already ordered release of the petitioner on parole for a period of 15 days. Therefore, in short, there was no deliberate delay on the part of the authority in considering the application for parole of the petitioner, according to the submission. However, it was conceded that communication among the authorities could have been faster and due care should be taken in future to ensure that orders are made in time and prisoners are not required to unnecessarily approach this court.

3. It was submitted by learned advocate Ms.S.G.Patel, appearing for the applicant, that, even after the interim order dated 21.8.2007, the

petitioner could be released only on 23.8.2007 and some more time was required for the petitioner to return to jail. In the above facts and circumstances, recording the above observations, petition is partly allowed with the direction that the petitioner shall be allowed to remain on parole for a further period of seven days and permitted to report back to jail on or before 14.09.2007. Rule is made absolute. Direct service is permitted.

Sd/-

(D.H.Waghela, J.)

(KMG Thilake)