

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR
BENCH, JAIPUR

O R D E R

1. D.B. Civil Writ Petition (Parole) No.12264 of 2010.

Bheru Lal son of Shri Bhag Chand
VERSUS
State of Rajasthan and Others

2. D.B. Civil Writ Petition (Parole) No.11734 of 2010.

Bheru Lal son of Shri Bhag Chand
VERSUS
State of Rajasthan and Others

Date of Order :::: 30.09.2010.

**Hon'ble Mr. Justice Dalip Singh
Hon'ble Mr. Justice S.S. Kothari**

Mr. Anshuman Saxena, Counsel for the Petitioner.
Mr. J.R. Bijrani, Addl. Govt. Advocate for the respondents

By the Court :

These two writ petitions have been filed by the petitioner–Bheru Lal son of Shri Bhag Chand for seeking direction to release him on first regular parole.

Writ Petition No.12264/2010 has been filed through his Counsel, whereas Writ Petition No.11734/2010 was sent by post through Central Jail, Kota by the prisoner-petitioner.

We have perused the order, Annexure-1.

We find that the Advisory Committee while considering the case in Para No.14 of the order has taken into account the fact that the Superintendent of Police had sent an adverse report against the petitioner indicating that there was a possibility of his absconding.

However, we find from the aforesaid order that despite the fact that the Superintendent of Central Jail, Kota had stated that the conduct of the prisoner-petitioner was satisfactory, there is no report of the Social Welfare Officer, which is required to be taken into account by the Advisory Committee while considering the case for release on parole. All relevant material must be available at the time of consideration.

Along with the reply filed by the respondents, there is the communication from the District Probation and Social Welfare Officer, Jhalawar dated 09.09.2010 wherein it has been stated that “.....इस कार्यालय द्वारा समय पर उक्त बंदी की जांच बाबत पत्र प्राप्त नहीं होने से जांच नहीं की जा सकी थी। सूचनार्थ प्रेषित है।

From the aforesaid, it is clear that the District Probation and Social Welfare Officer did not sent any report regarding release of the petitioner on first regular parole for 20-days.

In the facts and circumstances, these writ petitions are disposed of with the direction that it would be open for the petitioner to apply afresh for first regular parole and the Advisory Committee after taking into consideration the relevant material, including the nominal roll of the petitioner from the jail where he is lodged, report of the Superintendent of Police, the report of the District Probation and Social Welfare Officer as well as the fact that the

petitioner was granted emergent parole by the Advisory Committee itself for one week and surrendered in time as per the submission of the learned counsel for the petitioner at the end of the aforesaid period without misusing the liberty granted to him shall decide the application of the petitioner in accordance with law.

These writ petitions are accordingly disposed of as aforesaid.

(S.S. Kothari) J.

(Dalip Singh) J.

Ashok/

D.B. Civil Writ Petition (Parole) No.11734 of 2010.

Date of Order :::: 30.09.2010.

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In the result, the writ petition stands disposed of.

(See separate order in DB CWP No.122 64/2010).

By Order

Court Master