

D.B. CIVIL WRIT (PAROLE) PETITION NO. 6806/2010

(Akhalak Ahmed Versus State of Rajasthan)

Date of Order :: 31.08.2010

HON'BLE MR. JUSTICE PRAKASH TATIA
HON'BLE MR. JUSTICE KAILASH CHANDRA JOSHI

Mr. K.R. Bishnoi – Public Prosecutor

The petitioner's application for parole of 40 days has been denied by the Parole Committee in its meeting dated 17.06.2010. In the reply submitted by the State, it is stated that the petitioner has already served the sentence of 10 years 6 months and 4 days including the jail remission of 1 year 9 months and 6 days and State remission of 1 year 4 days and he was released on first parole from 19.07.2006 to 07.08.2006 for 20 days, on second parole from 03.11.2007 to 02.12.2007 for 30 days and on third parole from 21.04.2009 to 30.05.2009 for 40 days, yet his application for parole of 40 days has been rejected while giving absolutely irrelevant reasons and ignoring the fact that he was granted 3 paroles on earlier occasions and he did not misuse those paroles.

In view of above, this petition is allowed. The Superintendent, Central Jail, Udaipur, is directed to release the petitioner Akhalak Ahmed S/o Abdul Kareem on parole for 40 days on usual terms and conditions to his own satisfaction. The Superintendent, Central Jail, Udaipur will also give a date for surrender by the petitioner-convict. A copy of this order may be sent to the convict.

[KAILASH CHANDRA JOSHI],J.

[PRAKASH TATIA],J.