

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

O R D E R

D. B. CIVIL WRIT PETITION(PAROLE) NO. 18964/2012

HARI @ HARI PRASAD

Vs.

THE STATE OF RAJASTHAN & ORS.

DATE: 30.11.2012

HON'BLE MR. JUSTICE NARENDRA KUMAR JAIN-I
HON'BLE MISS JUSTICE BELA M. TRIVEDI

Mr. Anshuman Saxena, for the petitioner.
Mr. J.R. Bijarnia, Addl. Government Advocate,
for the respondents.

A copy of this petition has been supplied to the learned Additional Government Advocate.

2. At the request of learned counsel for the parties, arguments were heard and the writ petition is being disposed off finally.

3. Petitioner has preferred this parole writ petition challenging the impugned order dated 27.03.2012, qua petitioner, passed by the Officer On Special Duty, Home(Jail), Rajasthan, Jaipur, whereby his application for grant of permanent parole has been rejected on the ground that he remained absent from Jail Udhog Shala and was awarded with Jail punishment, therefore, his conduct cannot be said to be satisfactory.

4. Learned counsel for petitioner submitted that reason assigned for rejection of application of petitioner is not correct. He submitted that impugned order was passed on 27.03.2012, whereas petitioner was released on first parole of 20 days from 03.02.2011 to 21.02.2011 and he was again granted regular parole of 30 days, even after passing of impugned order dated 27.03.2012, during the period from 15.05.2012 to 13.06.2012, therefore, before and after passing of the impugned order, conduct of petitioner was satisfactory. Therefore, respondents may be directed to re-examine/reconsider the case of petitioner for grant of permanent parole.

5. Learned Additional Government Advocate submitted that from the impugned order, it is clear that conduct of petitioner was not satisfactory as he remained absent from Jail Udhog Shala, however, he has no objection, in case, the case of petitioner is reconsidered, in view of submissions made by the learned counsel for petitioner, to the effect that before and after passing of the impugned order, he was granted parole on satisfactory conduct.

6. After considering the submissions of the learned counsel for the parties, we are

of the view that in case, petitioner was granted parole before and after passing of the impugned order dated 27.03.2012 on the basis of his satisfactory conduct and in case the said fact is found to be correct, then case of petitioner requires reconsideration for grant of permanent parole.

7. Consequently, the writ petition is disposed off with a direction to respondents to reconsider the case of petitioner for grant of permanent parole within a period of three months or in next meeting, whichever is earlier, in accordance with law.

8. A copy of this order be sent for information and compliance to the Director General of Prisons, Rajasthan, Jaipur.

(BELA M. TRIVEDI), J. (NARENDRA KUMAR JAIN-I), J.

/KKC/

Certificate:

All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

KAMLESH KUMAR
P.A.