

D.B. PAROLE PETITION NO. 10227/2013.
Pukhraj Vs. State of Rajasthan

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Date of Order :: **31st October 2013.**

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE V.K. MATHUR

By Post.
Mr. K.R. Bishnoi, Government Counsel.

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BY THE COURT:

In this letter petition, registered on a letter dated 02.08.2013 received from the convict-prisoner Pukhraj son of Lala Ram, after issuance of notices and filing of reply, on 21.10.2013, a co-ordinate Bench noticed the fact that as per the reply, the convict-prisoner had actually served the sentence for a period of 14 years 01 month and 21 days as on 31.07.2013 and had become entitled to be considered for grant of permanent parole. Hence, the respondents were directed to consider the case of the convict-prisoner for grant of permanent parole as per the Rajasthan Prisoners Release on Parole Rules, 1958.

The learned Government Counsel today clarifies that it had been a typographical error and mistake wherefor, in the reply as filed, the under-trial period of the prisoner concerned came to be mentioned as "1 year 11 months and 13 days" though, in fact, such period had been of "11 months and 13 days" only. The learned Government Counsel has placed before us today the instructions received from the Superintendent, Central Jail, Jodhpur clarifying that on the correct calculation, the prisoner concerned had actually served

only for a period of 13 years 01 month and 21 days as on 31.07.2013. Obviously, in the given fact situation, entitlement of the prisoner concerned for consideration of his case for grant of permanent parole has not ripened yet.

So far the prayer for release on regular parole is concerned, it appears that the prisoner concerned has repeatedly sent the communications to this Court in that regard. On his communication dated 28.06.2013, Parole Petition No. 8361/2013 came to be registered; and on his communication dated 15.07.2013, Parole Petition No. 9149/2013 came to be registered.

It is noticed that the prisoner concerned was, otherwise, ordered to be released on 40 days' parole upon his furnishing two sureties in the sum of Rs.20,000/- with a personal bond in the like amount in the meeting of the District Parole Committee dated 02.07.2013.

Parole Petition No. 9149/2013 was decided by a co-ordinate Bench on 25.07.2013, modifying the order passed by the District Parole Committee and the petitioner-prisoner was ordered to be released upon his furnishing personal bond along with one surety. Then, Parole Petition No. 8361/2013 came to be decided by another co-ordinate Bench on 01.08.2013, now directing his release upon furnishing personal bond in the sum of Rs. 30,000/- alongwith one surety in the like amount.

The present petition is of the same prayer, i.e., seeking release on furnishing personal bond and with reference to the

same decision of the District Parole Committee dated 02.07.2013.

It appears that while deciding Parole Petition No. 9149/2013, the fact of pendency of Parole Petition No. 8361/2013 was not brought to the notice of the Court. Equally, while deciding Parole Petition No. 8361/2013, the fact of Parole Petition No. 9149/2013 having already been decided on 25.07.2013 was not brought to the notice of the Court.

It is noticed that there is likelihood of a slight inconsistency in the aforesaid two orders dated 25.07.2013 and 01.08.2013 inasmuch as in the first order, the conditions were modified only to the extent of of furnishing personal bond with one surety but without specifying the amount; whereas in the later order dated 01.08.2013, the amount of bond and sureties in the sum of Rs. 30,000/- was specified. As noticed, in the original order of the Parole Committee dated 02.07.2013, the prisoner was ordered to be released on the condition of furnishing two sureties in the sum of Rs. 20,000/- each with a personal bond in the like amount.

To put the things straight, we consider it appropriate and hence order that the petitioner-prisoner concerned may be released on 40 days' parole upon his furnishing a personal bond in the sum of Rs. 20,000/- with one surety in the like amount.

Other aspects:

It is noticed that the likelihood of inconsistencies in different orders passed in different petitions in relation to the

same prisoner has surfaced essentially because the fact of filing of another petition or any previous decision as regards the same prayer was not brought to the notice of the Court. Thus, before parting, it appears expedient to make a few comments as regards such nature similar matters and to issue necessary directions.

These matters, being essentially registered on the letters received from the prisoners, who usually remain unrepresented in the Court, it is enjoined upon the Government Counsel to ensure informing the Court about previous petitions in relation to any particular prisoner, whether pending or decided. It would be expected of the Government Counsel that while filing reply, specifically a note shall be put in the reply about parole petitions, if filed, whether pending or decided, by or on behalf of the same prisoner.

It is also desirable that the Registry would evolve the mechanism so as to report on "matching details" regarding the petitions registered in relation to the same prisoner.

The petition stands disposed with the directions and observations foregoing.

A copy of this order be endorsed to the Inspector General of Prisons as also to the Registrar General of Rajasthan High Court for ensuring due compliance.

(V.K. MATHUR), J.

(DINESH MAHESHWARI), J.