

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 8398 of 2018**

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VALJI @ VALKO VELJI CHHANGA (AAHIR)

Versus

STATE OF GUJARAT

Appearance:

MS GAYATRI B JADEJA(5152) for the PETITIONER(s) No. 1

for the RESPONDENT(s) No. 2,3

MS.JIRGA JHAVERI, APP (2) for the RESPONDENT(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE A.J. SHASTRI**Date : 28/09/2018****ORAL ORDER**

[1] **Rule.** Learned Additional Public Prosecutor waives service of Rule on behalf of the respondent - State.

[2] The present application has been filed by the applicant - convict praying to release him on parole leave on the ground of preferring an appeal before this Court.

[3] Learned Additional Public Prosecutor has opposed this application.

[4] For the purpose of considering the request, the Court has heard learned advocate for the applicant and learned APP appearing for the respondent- State. Perused the application and other material placed on record including report received from the Superintendent of Jail which is placed on record by learned APP. From the jail record, it appears that the jail record of the applicant is good.

[5] Having regard to the facts and circumstances stated in the application, and conduct of the applicant which is reflected in the report received from the Superintendent of Jail, as also period of sentence undergone by now, this Court is of the opinion that the present application deserves consideration.

[6] Considering the aforesaid facts and circumstances of the case and the sentence undergone by the convict, I am of the opinion that the application requires consideration. Hence, the present application is partly allowed. The applicant - convict is ordered to be released on parole leave for a period of **10 days (ten days)** from the date of his actual release on usual terms and conditions. The convict shall mark his presence to the concerned police station on first and last day of the aforesaid leave period. The convict shall surrender to the Jail Authority on completion of the parole leave, without fail. During the period of parole leave, the convict shall not abuse the liberty granted to him and shall maintain law and order. **No further extension shall be granted.** Rule is made absolute to the aforesaid extent.

Direct service is permitted.

(A.J.SHASTRI ,J.)

dharmendra