

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CRIMINAL APPLICATION NO. 7518 of 2020**

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PARTH JYOTINDRABHAI OZHA - S/O - JYOTINDRABHAI KANTILAL OZHA  
Versus  
STATE OF GUJARAT

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Appearance:

MR KRITENDRA TIWARI(9924) for the Applicant(s) No. 1

MR RAJA RAM BAJPAI(7188) for the Applicant(s) No. 1  
for the Respondent(s) No. 2,3

MS. MOXA THAKKAR, APP (2) for the Respondent(s) No. 1

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CORAM: **HONOURABLE DR. JUSTICE A. P. THAKER**

**Date : 27/11/2020**

**ORAL ORDER**

[1] Heard Mr. Raja Ram Bajpai, learned advocate for the applicant and Ms. Moxa Thakkar, learned Additional Public Prosecutor for the respondent – State through Video Conferencing.

[2] **RULE.** Ms. Moxa Thakkar, learned Additional Public Prosecutor waives service of notice of Rule on behalf of the respondent - State.

[3] The present application has been filed by the applicant - convict, through his advocate, praying to release him on parole leave on the ground of treatment of throat cancer detected to the applicant.

[4] Heard Mr. Raja Ram Bajpai, learned advocate for the

applicant and learned Additional Public Prosecutor appearing for the respondent- State and I have gone through the jail record of the convict. It appears from the jail record that the applicant was convicted for the offence punishable under Sections 138 of the Negotiable Instruments Act as per section 255(2) of Cr.PC. of the Indian Penal Code and sentenced to undergo Rigorous imprisonment of six months and to pay compensation as per Section 357(3) of Cr.P.C. It also appears from the jail record that his jail conduct is good.

[5] Considering the aforesaid facts and circumstances of the case and the sentence undergone by the applicant, 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 **three weeks** from the date of his actual release on usual terms and conditions. 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. Rule is made absolute accordingly.

[6] On completion of such period, when the applicant surrenders, he shall be tested for COVID-19 virus test by the jail authorities and till the report comes, he will be kept in seclusion and/ or at a quarantine place.

[7] Registry is directed to intimate about this order to the concerned authorities through fax, email and/or any other suitable electronic mode. Learned advocate for the applicant is also permitted to intimate about this order to the concerned authorities through fax, email and/or any other suitable electronic mode.

**(DR. A. P. THAKER, J)**

SAJ/ VARSHA DESAI