

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CRIMINAL APPLICATION NO. 11244 of 2021**

=====

MAHENDRASINH PRATAPSINH ZALA

Versus

STATE OF GUJARAT

=====

Appearance:

THROUGH JAIL(50) for the Applicant(s) No. 1

for the Respondent(s) No. 2,3

MR. CHINTAN DAVE, APP (2) for the Respondent(s) No. 1

=====

CORAM: **HONOURABLE MR. JUSTICE RAJENDRA M. SAREEN****Date : 30/11/2021****ORAL ORDER**

1. **Rule**, returnable forthwith. Mr. Dave, learned APP waives service of notice of rule on behalf of the respondent – State.
2. This application is filed by the convict through jail seeking his release on parole leave on the ground of filing appeal.
3. Heard Mr. Dave, learned APP for the respondent – State.
4. Mr. Dave, learned APP submitted that the application for parole has been rejected by the District Magistrate, Vadodara on 23<sup>th</sup> June, 2021 on the ground of negative opinion from the police authority and serious offence of Section 363, 366, 376 of the IPC committed by the petitioner.
5. Perusing the jail remarks it appears that convict has undergone 01 years and 07 months in the jail. He was lastly released on parole leave for the period of 14 days from 15<sup>th</sup> August,

2021 to 28<sup>th</sup> August, 2021.

6. Considering the reasons assigned in the application and considering the fact that when he was lastly released in the month of August, 2021, he could have managed to file appeal, but he has not availed that opportunity therefore, I am not inclined to exercise discretion in favour of the petitioner-convict to grant him parole leave.

7. With this observation, present application is rejected. ***Rule is discharged.*** Registry to communicate this order to the concerned Jail Authority by Fax or Email forthwith.

**(RAJENDRA M. SAREEN, J.)**

**AMAR RATHOD...**