

(2011) 01 RAJ CK 0029

In the Rajasthan High Court

Case No : Civil Writ Petition (Parole) No. 15592 of 2010

Abadul Salam

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 07-01-2011

Acts Referred:

Citation : (2011) 01 RAJ CK 0029

Hon'ble Judges : Raghuvendra Singh Rathore, J; Narendra Kumar Jain, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Heard learned Counsel for the parties.
2. Admit.
3. At the request of the parties, final arguments were heard and the writ petition is being disposed of finally.
4. Convict-Petitioner has preferred this parole writ petition for grant of third parole of 40 days. The District Parole Advisory Committee vide its order dated 09.11.2010 (Annexure-1), rejected the application of Petitioner on the basis of adverse report of Superintendent of Police.
5. A notice to show cause was given and in response thereto, the Respondents have filed their reply to writ petition along with nominal roll of Petitioner furnished by the Superintendent, Central Jail, Bharatpur and report dated 22.07.2010 of Superintendent of Police, District Bharatpur.
6. Submission of learned Counsel for Petitioner is that the Petitioner was released on first and second parole and during that parole period, his conduct was satisfactory, therefore, the District Parole Advisory Committee committed an illegality in rejecting the application of Petitioner on the basis of adverse report of Superintendent of Police, therefore, the present writ petition may be allowed and the Petitioner may be released on third parole of 40 days.

7. Learned Additional Govt. Counsel, although, opposed the prayer of learned Counsel for Petitioner for grant of third parole, but admitted that conduct of Petitioner during custody and first and second parole period was satisfactory.

8. We have considered the submissions of learned Counsel for the parties.

9. As per Annexure-R/1, nominal roll, it is clear that conduct of Petitioner during custody was satisfactory. As per Annexure-R/2, report of Superintendent of Police, it is admitted that Petitioner was released on parole, twice, earlier and during parole period his conduct was normal. So called adverse report of Superintendent of Police is and Ors. not supported by any material or document to substantiate it.

10. After considering all the facts and circumstances of the case, we are of the view that District Parole Advisory Committee should have allowed the application of Petitioner.

11. Consequently, the parole writ petition is allowed. Impugned order qua Petitioner is quashed and it is directed that convict-Petitioner Abadul Salam S/o Shri Mohmad Isak shall be released on third parole of 40 days on his furnishing a personal bond in the sum of Rs. 50,000/- (Rs. Fifty thousand) with two sureties of the like amount each to the satisfaction of the Superintendent of the concerned jail. It will be open for the concerned Jail Superintendent to impose any other reasonable condition to secure the presence of Petitioner as per rule.

12. A copy of this order be sent for information to Petitioner and for information and compliance to the Superintendent of the concerned jail.