

(2022) 05 GUJ CK 0109

In the Gujarat High Court

Case No : R/Special Criminal Application No. 5119 Of 2022

Gabha Valabhai Gujaria

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 26-05-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 302

Citation : (2022) 05 GUJ CK 0109

Hon'ble Judges : Hemant M. Prachchhak, J

Bench : Single Bench

Advocate : Akshitaba Solanki, HK Patel

Final Decision : Partly Allowed

Judgement

Hemant M. Prachchhak, J

[1] RULE. Learned Additional Public Prosecutor waives service of notice 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 financial assistance to his family.

[3] Heard learned advocate for the applicant – convict and learned Additional Public Prosecutor for the respondent – State.

[4] Learned Additional Public Prosecutor for the respondent – State has vehemently opposed in granting the parole leave.

[5] This Court has gone through the jail record of the convict. It appears from the jail record that the convict was convicted for the offence punishable under Section 302 r/w. Section 34 etc. of the Indian Penal Code and sentenced to undergo life imprisonment.

[6] Considering the aforesaid facts and circumstances of the case and the sentence undergone by the convict, this Court is 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 15 days from the date of his actual release on usual terms and conditions. The convict shall mark his presence once in a week before the concerned police station between 11.00 a.m to 2.00 p.m. 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 accordingly. Direct service is permitted.