
(2000) 08 SC CK 0094
In the Supreme Court Of India
Case No : Criminal Appeal No. 666 of 2000

H. Ameer

APPELLANT

Vs

State of Tamil Nadu and Others

RESPONDENT

Date of Decision : 16-08-2000

Acts Referred:

Citation : (2000) 3 ACR 2410 : (2000) 10 JT 312

Hon'ble Judges : A. S. Anand, C.J.; R. C. Lahoti, J; K. G. Balakrishnan, J

Bench : Full Bench

Final Decision : Allowed

Judgement

A.S. Anand, C.J.I, R.C. Lahoti and K.G. Balakrishnan, JJ.—Leave granted.

2. The short question involved in this appeal by special leave is whether the period during which a detenu was released on parole, is required to be counted as included in the period of detention.

3. The High Court has taken the view that the said period cannot be counted and even if the original period of detention had expired, the Appellant should be asked to undergo detention for the period during which he had remained on parole. The issue is no longer res intergra. A Constitution Bench of this Court in Sunil Fulchand Shah Vs. Union of India and Others, , has expressly dealt with the issue and answered the question thus:

The answer to the question, therefore, is that the period of detention would not stand automatically extended by any period of parole granted to the detenu unless the order of parole or rules or instructions specifically indicates as a term and condition of parole, to the contrary. The period during which the detenu is on parole, therefore, requires to be counted towards the total period of detention.

4. In view of the settled law, the impugned order of the High Court cannot be sustained and the same is hereby set aside. Nothing is available on record to show that the terms of parole required the period of parole to be excluded from

the total period of detention. The Appellant, therefore, is not required to undergo detention for any further period of 54 days as directed by the High Court.

5. The appeal succeeds and is allowed.