

(2021) 04 GUJ CK 0006

In the Gujarat High Court

Case No : R/Special Criminal Application No. 2789 Of 2021

Haja Sakaria Koli

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 01-04-2021

Acts Referred:

Indian Penal Code, 1860 — Section 143, 147, 148, 149, 302, 307, 324, 326

Citation : (2021) 04 GUJ CK 0006

Hon'ble Judges : Dr. A. P. Thaker, J

Bench : Single Bench

Advocate : Hardik Y Kothari, R.C.Kodekar

Final Decision : Partly Allowed

Judgement

Dr. A. P. Thaker, J

[1] RULE. Mr. R.C.Kodekar, 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, through his advocate praying to release him on parole leave for 30 days on the ground of providing financial support to his family.

[3] Heard Mr. Hardik Kothari, learned advocate for the applicant and Mr. R.C.Kodekar, 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 convict was convicted for the offence punishable under Sections 302, 307, 324, 326, 143, 147, 148 and 149 of the Indian Penal Code and sentenced to undergo life imprisonment. He has already undergone sentence of about 18 years and 3 months. From the jail record, it appears that whenever the convict was released on parole / furlough leave, he surrendered in time. It also appears from the jail record that his jail conduct is good.

[4] Considering the aforesaid facts and circumstances of the case and the

sentence undergone by the convict, 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 two 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 mark his presence before the concerned Police Station once in a week between 11.00 a.m. to 2.00 p.m., without fail. The concerned Police Station be informed accordingly. During the period of parole leave, the convict shall not abuse the liberty granted to him and shall maintain law and order. It is clarified that no further extension will be granted. Rule is made absolute accordingly. Convict be informed accordingly through concerned jail authority.

[5] Registry is directed to intimate about this order to the concerned authorities through fax, email and/or any other suitable electronic mode.