

(2021) 11 GUJ CK 0011
In the Gujarat High Court

Case No : R/Special Criminal Application No. 11035 Of 2021

Harihar Sarju Mahanto

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 11-11-2021

Acts Referred:

Indian Penal Code, 1860 — Section 302, 363, 376

Citation : (2021) 11 GUJ CK 0011

Hon'ble Judges : Hemant M. Prachchhak, J

Bench : Single Bench

Advocate : Jirga Jhaveri

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 through jail praying to release him on long parole leave on the ground of providing financial assistance to his family.
3. Heard learned Additional Public Prosecutor for the respondent - State. Learned Additional Public Prosecutor for the respondent - State has opposed such prayer.
4. This Court has considered the averments made in the memo of application and 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 363, 376 and 302 of the Indian Penal Code and sentenced to undergo life imprisonment. He has already undergone sentence of about 17 years and 11 months. From the jail record, it appears that whenever the convict was released on parole leave, he surrendered in time. It also appears from the jail record that his jail conduct is good.

5. 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 fifteen days from the date of his actual release on usual terms and conditions. The applicant shall mark his presence on every alternate day during his parole leave before the concerned police station between 9.00 a.m to 4.00 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. Rule is made absolute accordingly.

6. Registry to communicate this order through Fax to the concerned Jail Authority.