
(2013) 01 RAJ CK 0162

In the Rajasthan High Court

Case No : Civil Writ (2nd Regular Parole) Petition No. 613 of 2013

Harish Kumar @ Veeru

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 16-01-2013

Acts Referred:

Citation : (2013) 01 RAJ CK 0162

Hon'ble Judges : Veerendr Singh Siradhana, J; Narendra Kumar Jain, J

Bench : Division Bench

Advocate : Amarjeet Singh Narang, for the Appellant; Rekha Madnani, Deputy Govt. Advocate, for the Respondent

Final Decision : Dismissed

Judgement

1. A copy of parole writ petition has been supplied to the learned Deputy Government Advocate, appearing on behalf of respondents. Heard finally with the consent of learned counsel for the parties.
2. Convict/petitioner Harish Kumar @ Veeru S/o Shri Nathu Lal, has preferred this parole writ petition for grant of second parole of 30 days.
3. Submission of the learned counsel for petitioner is that although the petitioner has become eligible for grant of second parole, but due to pendency of his criminal appeal against his conviction, his application is not being accepted by the Superintendent of the concerned jail and the same is not being forwarded for consideration to the District Parole Advisory Committee, therefore, this Court should entertain this petition directly and grant second parole to petitioner.
4. As per the provisions of the Rajasthan Prisoners Release on Parole Rules, 1958(hereinafter referred to as "the Rules of 1958"), application for grant of parole is required to be filed before the Superintendent of the concerned jail, who is required to forward the same along with his report to the District Parole Advisory Committee and the Committee is required to examine all the aspects of the case for the purpose of grant of parole to convict. Even if, as per the

judgment of Division Bench of this Court in Umesh Kumar Singh Vs. State of Rajasthan, reported in 2012 (3) WLC (Raj.) 739, the application cannot be allowed, then the same reason can be assigned while rejecting the application, but neither the Superintendent of concerned jail can refuse to entertain the application, nor the District Parole Advisory Committee can refuse to examine and consider the application of convict for grant of parole.

5. In the present case, the petitioner has preferred this petition, directly, before this Court, without exhausting an alternative remedy by way of filing application under the Rules of 1958. In these circumstances, we dismiss the writ petition with liberty to convict/petitioner to move fresh application, in accordance with the rules.