

(2023) 05 GUJ CK 0108

In the Gujarat High Court

Case No : R/Special Criminal Application No. 6273 Of 2023

Hiteshbhai Manilal Dungrani

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 26-05-2023

Acts Referred:

Negotiable Instruments Act, 1881 — Section 138

Citation : (2023) 05 GUJ CK 0108

Hon'ble Judges : M. K. Thakker, J

Bench : Single Bench

Advocate : Vrunda Shah

Final Decision : Allowed

Judgement

M. K. Thakker, J

1. This petition is filed by the petitioner through jail seeking parole leave for a period of 30 days on the ground of exploring the possibility of settlement in a cheque return case.

2. Heard, learned Additional Public Prosecutor for the State.

3. Rule. Learned APP waives service on behalf of the respondent – State.

4. Regard being had to the submissions and having gone through the papers placed on record as well as the jail remarks, it appears that out of sentence of one year, the petitioner has undergone 06 months and 03 days' imprisonment for the offence punishable under Section 138 of the NI Act. Further, his jail conduct is stated to be satisfactory. It also appears that the petitioner is not released so far. Accordingly, the Court is inclined to exercise discretion in favour of the present petitioner. Present petition, therefore, succeeds and is allowed in part. The petitioner is ordered to be released on parole leave for a period of two weeks from the date of his actual release on his furnishing a personal bond of Rs.5,000/- (Rupees Five Thousand only) to the satisfaction of the concerned jail

authority and on usual terms and conditions. Further, the petitioner shall mark presence before the concerned police station once in a week during such release. The petitioner shall surrender to the jail authority on expiry of the parole leave period.

5. Rule is made absolute accordingly.

5.1 Registry to communicate this order to the concerned jail authority through fax / email forthwith.