

**(2021) 03 GUJ CK 0003**

**In the Gujarat High Court**

**Case No : R/Special Criminal Application No. 2528 Of 2021**

Karim Saleman Kumbhar

APPELLANT

Vs

State Of Gujarat

RESPONDENT

**Date of Decision : 02-03-2021**

**Acts Referred:**

Indian Penal Code, 1860 — Section 34, 302

**Citation : (2021) 03 GUJ CK 0003**

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

**Bench : Single Bench**

**Advocate : Moxa Thakkar**

**Final Decision : Partly Allowed**

## Judgement

Dr. A. P. Thaker, J

[1] Heard Mr.Hardik Kothari, learned advocate for the applicant and Ms.Moxa Thakker, learned Additional Public Prosecutor for the respondent â?

State through video conferencing.

[2] RULE. Ms.Moxa Thakker, learned Additional Public Prosecutor waives service of notice of rule on behalf of the respondent - State. Rule is fixed forthwith.

[3] The present application has been filed by the applicant - convict praying to release him on parole leave on the ground of marriage of his brother. In support of his application, an invitation card is annexed.

[4] Learned Additional Public Prosecutor for the respondent â?" State has vehemently opposed in granting the parole leave.

[5] This Court has 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, 34 etc. of the Indian Penal Code and sentenced to undergo life imprisonment.

[6] 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

from 14.03.2021 till 20.03.2021 on usual terms and conditions. The convict shall mark his presence once in a week before the concerned police station

between 11.00 a.m to 2.00 p.m. The convict shall surrender to the Jail Authority on completion of the parole leave i.e. on 21.03.2021, 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.

[7] On completion of such period, the applicant surrenders, he shall be tested of Covid-19 virus by the concerned Jail Authority and till report comes,

he will be kept in seclusion and/or at a quarantine place.

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