

(2009) 01 RAJ CK 0045
In the Rajasthan High Court

Kedar Meena

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 16-01-2009

Acts Referred:

Citation : (2009) 01 RAJ CK 0045

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

Bench : Division Bench

Final Decision : Allowed

Judgement

Narendra Kumar Jain, J.—Admit.

2. At the request of learned Counsel for both the parties, the final arguments were heard in the writ petition and is being disposed of.

3. The petitioner has preferred this writ petition for grant of third parole of 40 days under Rule 9 of the Rajasthan Prisoners (Release on Parole) Rules, 1958.

4. The contention of learned Counsel for the petitioner is that he was released on first and second parole under Rule 9 and his conduct during parole period was satisfactory and there was no complaint against him. After expiry of 11 months, he again applied for third parole as per Rule and his application was also forwarded with satisfactory report, but parole committee in its meeting dt. 11th September, 2008 deferred the matter on the ground that a report from the Assistant Director, Social Welfare Department has not been received. A copy of the proceeding dt. 11th September, 2008 has been placed on record. He further submits that inspite of expiry of period of more than four months, his matter has not been considered. He further submits that although his matter has been deferred on the aforesaid ground but as per Rule 9, there is no necessity to even call the report from the Social Welfare Department. He, therefore, submits that the petitioner be released on third parole of 40 days.

5. A notice to show case was given to the respondents and in response thereof

they have filed written-reply, wherein they have not disputed that conduct of the petitioner during first and second parole was satisfactory and there was no complaint against him. Their case in the reply is that the case of petitioner along-with other persons was considered by the Distt. Parole Advisory Committee in its meeting held on 11th September, 2008 and for want of report from the Superintendent of police and Social Welfare Officer, the District Parole Advisory Committee thought it proper to defer the matter of the petitioner till next meeting. It has further been contended that the present petition of the petitioner is premature and is liable to be dismissed on this ground alone.

6. We have considered the submissions of learned Counsel for the parties.

7. There is no dispute in between both the parties that conduct of the petitioner during first and second parole period was satisfactory. He moved an application after expiry of 11 months for third parole and his application could not be disposed of for last more than 4 months. Even if the case of the petitioner was deferred in the meeting of the parole committee dt. 11.09.2008, then at-least it should have now been considered, but as admitted by learned Counsel for both the parties, the application of the petitioner has not been considered till date. It appears that the Social Welfare Department has not sent its report for the reasons best known to it. There was no reason for not sending the report till now and not considering the case of the petitioner for third parole. The conduct of the petitioner during first and second parole period was satisfactory, therefore, we think it fit and proper to allow this application for release of the petitioner on third parole of 40 days.

8. Consequently the writ petition is allowed. It is directed that petitioner be released on third parole of 40 days on his furnishing personal bond in the sum of Rs. 25,000/- (Rs. Twenty Five Thousand) with one surety of the like amount to the satisfaction of the Superintendent of the concerned Jail. It will be open for the Superintendent of the concerned Jail to impose any other reasonable condition as per Rules.

9. A copy of this order may be sent for compliance to the Superintendent of the concerned Jail and for information to the convict-petitioner.