

(2023) 09 RAJ CK 0037

In the Rajasthan High Court

Case No : Criminal Writ Petition No. 66 Of 2023

Sohan Lal @ Vakta

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 14-09-2023

Acts Referred:

Rajasthan Prisoners Open Air Camp Rules, 1972 — Rule 3(g)
Indian Penal Code, 1860 — Section 201, 302, 404, 450

Citation : (2023) 09 RAJ CK 0037

Hon'ble Judges : Vijay Bishnoi, J;Rajendra Prakash Soni, J

Bench : Division Bench

Advocate : Laxmi Devi, Anil Joshi, Rajat Chhapparwal

Final Decision : Dismissed

Judgement

1. This criminal writ petition has been filed on behalf of the petitioner being aggrieved with the action of the respondents for not sending him to Open Air Camp, Bichhwal, District Bikaner despite recommendation by the Open Air Camp Committee, Jaipur in its meeting dated 16.11.2022 for sending him to Open Air Camp.

2. The petitioner was convicted and sentenced vide judgment dated 03.12.2013 passed by the Additional District and Sessions Judge No.3, Chittorgarh in Sessions Case No.19/2013 for the offences punishable under Sections 302, 450, 201 and 404 IPC and as such he has served out around 12 years of sentence including remission period on 23.01.2023.

3. The petitioner moved an application for sending him to Open Air Camp under the provision of Rajasthan Prisoners Open Air Camp Rules, 1972 (hereinafter to be referred as 'the Rules of 1972') and the Open Air Camp Committee, Jaipur in its meeting dated 16.11.2022 recommended for sending him to Open Air Camp, however, despite that he was not sent there. Hence, this writ petition.

4. Reply to this criminal writ petition has been filed on behalf of the respondent-

State, wherein it is mentioned that the petitioner is not eligible for sending him to the Open Air Camp as per Rule 3(g) of Rules of 1972 because he received jail punishment on 18.05.2022.

5. It appears that after 16.11.2022, again the Open Air Camp Committee, Jaipur in its meeting dated 03.02.2022 recommended for sending the petitioner to the Open Air Camp.

6. Rule 3(g) of Rules of 1972 reads as under :-

“(g) Prisoners whose conduct in the jail is not good provided that a prisoner who would have not received any jail punishment for two years preceding the date of the recommendations of his name for admission to the Open Camp may be considered eligible.”

7. It is not in dispute that the petitioner received jail punishment on 18.05.2022 and in such circumstances, we are of the view that as per Rule 3(g) of the Rules of 1972, the petitioner is not eligible for admission to the Open Air Camp.

8. In view of the above, we don't find any merit in this criminal writ petition and the same is hereby dismissed.

9. However, the petitioner is at liberty to move a fresh application for sending him to Open Air Camp after completion of two years period from the date he received jail punishment.