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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2772 OF 2018

Nitin Ramesh Prajapati
(through jail)

...Petitioner

vs.

State of Gujarat
through Public Prosecutor,
High Court of Gujrat,
Ahmedabad

...Respondent

None for the Petitioner

Ms P.P.Shinde, APP for the respondent-State

CORAM : A.S.OKA, &
A.S.GADKARI, JJ.

DATE : JANUARY 16, 2019

P.C.:

1 Perused the petition received from the petitioner through jail. It appears from the application that the learned Sessions Judge, Dadra and Nagar Haveli at Silvassa convicted the petitioner by the impugned Judgment and Order dated 19th December 2017 for the offences punishable under sections 302 and 376 of the Indian Penal Code and that he has been sentenced to undergo life imprisonment. In the petition sent through jail, he has stated that initially he filed an application in the High Court of Judicature at Gujarat which was disposed of by observing that the appeal against conviction will lie before this Court. The prayer in this petition is to grant parole for 30 days to

enable him to collect money for preferring an appeal against conviction.

2 Perusal of Rule 19 of the Prisons (Bombay Furlough and Parole) Rules, 1959 and in particular Sub Rule 2 thereof shows that regular parole cannot be granted to enable the convict to arrange for money for preferring an appeal.

3 The petitioner can always prefer an appeal through jail. Even legal assistance can be made available to the petitioner the Jail. Moreover, if an appeal is preferred through jail, the Advocate can be appointed to espouse his cause.

4 Hence, the prayer made for grant of parole on the stated ground cannot be accepted. The petition is rejected.

5 We direct that a copy of this order shall be forwarded by the Registry to the Jail Superintendent or the Officer in charge of Lajpor Central Jail, Surat with a direction him to bring it to the notice of the petitioner his right to prefer an appeal through jail. If the petitioner wants to prefer an appeal, necessary assistance shall be rendered by the Jail Authority to him.

(A.S.GADKARI,J.)

(A.S.OKA,J.)