HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Criminal Writ Petition No. 516/2020

Surendra S/o Amba Lal, Aged About 40 Years, 56-A, Rajeev Nagar-A, Bhadwasia, Jodhpur District Jodhpur, Through His Father Amba Lal S/o Poonam Chand Aged About 65 Years, Resident Of 56-A, Rajeev Nagar-A, Bhadwasia, Jodhpur, District Jodhpur.

----Petitioner

Versus

1. State, Through Secretary Of Home Department Jaipur (Raj.).
2. The Director General Jail, Jaipur.
3. The Superintendent, Central Jail, Jodhpur.
4. The Superintendent, Central Jail, Jaipur.

----Respondents

For Petitioner(s) : Mr. Hukam Singh Chouhan (through V.C.)

HON'BLE MR. JUSTICE SANDEEP MEHTA
HON'BLE MR. JUSTICE DEVENDRA KACHHAWAHA

Judgment / Order

15/12/2020

Heard. Perused the material available on record.

The petitioner has approached this Court by way of this writ petition seeking direction to the respondents to consider his case for grant of permanent parole.

Admittedly, the petitioner was convicted and sentenced to life imprisonment for the offence under Section 302 IPC by judgment dated 22.07.2015. He has suffered custodial incarceration for a period of about nine years.

As per the provisions of Section 433-A Cr.P.C. and Rule 9 of the Rajasthan Prisoners Release on Parole Rules, 1958, a person who has been convicted to life imprisonment for such an offence for which the death sentence is one of the sentences provided, cannot be considered for premature release or release on permanent parole before serving substantive sentence of 14 years. The petitioner has admittedly not completed substantive sentence of 14 years till date, and thus, his case cannot be considered for grant of permanent parole. Thus, we find no merit in the parole writ petition, which is rejected as such.

RAJASTHAN HIGH COURT

(DEVENDRA KACHHAWAHA),J **(SANDEEP MEHTA),J**

6-Sudhir Asopa/-

सत्यमेव जयते