HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Civil Writ Petition No. 16622/2026
CNR: RJHC010524722026 | URN: CW / 3328U / 2026

Imtiyaz S/o Riyaz Ahmed, Aged About 42 Years, At Present Lodged In High Security Jail Ajmer Through His Mother Jarina Bee W/o Riyaz Ahmed Aged 58 R/o W No 16 Prithviganj Holi Chowk District Banswara

----Petitioner

Versus

1. State Of Rajasthan, Home Depart Jaipur
2. The Director General, Jail Jaipur
3. The District Collector, Banswara
4. The Superintendent, High Security Jail Ajmer

----Respondents

For Petitioner(s)	:	Mr. Kaluram Bhati.
For Respondent(s)	:	Mr. Sandeep Soni & Ms. Sulochana Bishnoi for Mr. Deepak Choudhary, GA-cum-AAG.

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

06/08/2026

1. By way of present petition, the petitioner has prayed that he may be sent to Open Air Camp, Banswara as he had been earlier sent on parole and he surrendered timely. During the parole period, his conduct was found to be satisfactory.

2. Learned counsel submits that the application of the petitioner was dismissed solely on the ground that there were three cases pending, however, subsequently in all the three cases, he had been acquitted. Therefore, he may be sent to Open Air Camp.

3. We have considered the submissions.

4. The petitioner was convicted for offence under Sections 302 and 324 IPC vide judgment dated 30th March, 2020. On 26th November, 2025, upon completion of 1/3rd of the sentence, the matter was placed before the committee. Considering the fact that the petitioner is a hardcore criminal, a history-sheeter as well as sixteen cases were registered against him, the committee did not find it suitable to send him to Open Air Camp.

5. We also found that in one of the cases out of three, wherein the petitioner was made an accused along with seven other persons for committing dacoity, although he has been acquitted for offence under Sections 399, 402, 402 read with Section 120-B IPC, 3/25 & 4/25 of the Arms Act, on the ground that there was no evidence available regarding his direct involvement as he was not found at the spot of the occurrence of incident while the others have been convicted. However, if we carefully take note of the case, the entire case was registered on the basis of information received that the petitioner Imtiyaz, who while serving the sentence in Jail had organized the crime and the learned Judge has convicted others and acquitted the petitioner solely because the petitioner was not found on the spot, which to our little knowledge ought to have been examined in terms of provisions of Section 120-B IPC. We refrain ourselves from making any comment regarding acquittal, however, we do not find that it is a fit case to send the petitioner to open jail on the basis of the dubious conduct of the petitioner and on account of his criminal antecedents.

6. While sending a convict to open jail, this Court would not simply follow the Rajasthan Prisoners Open Air Camp Rules, 1972

(for short, the 'Rules of 1972') blindly regarding the number of other convictions but would also examine the Rules of 1972 with respect to other relevant aspects, as above. The Rules farmed under the Rules of 1972 are directory in nature and not mandatory.

7. The orders passed by respondent authorities in rejecting the application of petitioner for transfer to open jail is found to be justified, accordingly upheld.

8. The present petition, being devoid of merit, is accordingly dismissed.

(SANJEET PUROHIT),J (SANJEEV PRAKASH SHARMA),ACJ

20/Anil Asopa