

Hadman Ram Vs. State and ors

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Court : Rajasthan Jodhpur

Decided On : Apr-11-2014

Appellant : Hadman Ram

Respondent : State and ors

Judgement :

[1].IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

D.B.CIVIL WRIT (PAROLE) PETITION NO.1264/2014 Hadman Ram Versus State of Rajasthan & ORS.Date of Order :: 11.04.2014 PRESENT HON'BLE Mr.JUSTICE GOVIND MATHUR HON'BLE Mr.JUSTICE ATUL KUMAR JAIN Mr.Kaluram Bhati for the petitioner Mr.Shiv Kumar Vyas - Government Advocate BY THE COURT : Petitioner Hadman Ram S/o Ganesh Ram has preferred this petition for writ to award fiRs.regular parole as per the provisions of the Rajasthan Prisoners Release on Parole Rules, 1958 (for short, 'the Rules of 1958') to his son convict- prisoner Ram Kishore, presently lodged at Central Jail, Ajmer.

Convict-prisoner Ram Kishore has been convicted for the offences punishable under Sections 302 and 449 IPC.

He has been sentenced to undergo life term imprisonment with default stipulation.

He has already served actual sentence for a period of 5 years 2 months 24 days as on 26.02.2014.

The [2].District Parole Advisory Committee, Nagaur has denied fiRs.regular parole to convict-prisoner Ram Kishore on the count that he is in habit of consuming liquor and that may cause some undesirable event, if he is released on parole.

Suffice to mention here that the District Probation - cum - Social Welfare Officer, Department of Social Justice and Empowerment, Nagaur in his remarks communicated under the letter dated 17.10.2013 recommended for grant of parole to the convict-prisoner.

The reason given by the respondents to deny fiRs.regular parole is not in consonance with the main purpose of awarding parole under the Rules of 1958, which is reformation of a criminal by rehabilitating him in mainstream of the society.

Past ill-habits of a convict-prisoner are required to be ignored while considering his case for grant of parole.

Having considered all facts and circumstances, especially looking to the remarks made by the District Probation - cum - Social Welfare Officer, we are inclined to grant this petition for writ.

Accordingly, the same is allowed.

The respondents are directed to release the convict-prisoner to avail fiRs.regular parole for a period of 20 days as per the provisions of the Rules of 1958, provided he furnishes two sureties of Rs.50,000/- each alongwith a personal bond of the [3].same amount to the satisfaction of the Superintendent, Central Jail, Ajmer.

The Superintendent, Central Jail, Ajmer shall be at liberty to impose other adequate and reasonable conditions upon convict-prisoner Ram Kishore while releasing him to avail parole to ensure his return to the State custody after availing the parole.

[ATUL KUMAR JAIN], J.

[GOV IND MATHUR], J.

Pramod

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