

Muse Khan Vs. State of Raj

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Court : Rajasthan Jodhpur

Decided On : Jul-28-2014

Appellant : Muse Khan

Respondent : State of Raj

Judgement :

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

ORDER

D.B.CIVIL WRIT (PAROLE) PETITION NO.4619/2014 Muse Khan Versus State of Rajasthan & ORS.Date of Order :: 28.07.2014 PRESENT HON'BLE Mr.JUSTICE GOVIND MATHUR HON'BLE Mr.JUSTICE P.K.LOHRA By post Mr.JPS Choudhary - Government Advocate BY THE COURT : Convict-prisoner Muse Khan is undergoing life term imprisonment being convicted for an offence punishable under Section 302/34 Indian Penal Code by the judgment dated 20th January, 2004 passed by learned Sessions Judge, Jaisalmer.

He has also served actual sentence for a period of twelve yeRs.seven months and sixteen days as on 30th June, 2014.

A parole for a term of forty days has been awarded to him subject to furnishing two sureties and a personal bond.

As per the convict-prisoner, he is coming from lower [2].echelons of the society with a poor background, therefore, he is not in position to furnish the required

sureties.

A prayer is made by him for grant of parole by furnishing personal bond.

As already noticed, parole was awarded to the convict-prisoner on 20th February, 2013 and despite lapse of about one and half years he has not availed the parole and this fact itself is sufficient to show that the convict-prisoner is not in position to arrange necessary sureties.

Having considered this position, we are inclined to accept this petition for writ.

Accordingly, the same is allowed.

The respondents are directed to release the convict-prisoner on parole provided he furnishes a personal bond of Rs.50,000/- to the satisfaction of the Deputy Superintendent, District Jail, Barmer.

The Deputy Superintendent, District Jail, Barmer, while releasing the petitioner on parole, shall be at liberty to impose other adequate and reasonable conditions to ensure his return to the State custody after availing the parole.

The Registry of this court is directed to send a certified copy of this order to the Deputy Superintendent, District Jail, Barmer with a specific direction to convey decision of this court to the convict-prisoner within a period of 3 days from the date of receipt of the order.

[P.K.LOHRA]., J.

[GOVIND MATHUR]., J.

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