

Anwar Vs. State

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Court : Rajasthan

Decided On : Apr-06-1994

Reported in : 1994(2)WLC159; 1994(1)WLN302

Judge : Rajendra Saxena and; R.R. Yadav, JJ.

Appeal No. : D.B. Civil Misc. Habeas Corpus No. 1263 of 1994

Appellant : Anwar

Respondent : State

Disposition : Petition dismissed

Judgement :

Rajendra Saxena, J.

1. One Anwar moved petition under Article 32 of the Constitution of India on behalf of the convict Bhai Khan in the Hon'ble Supreme Court of India praying for latter's release on parole for looking after his family and for arranging the marriage of his daughters. This petition has been transmitted to this Court by the Asstt. Registrar by the Hon'ble Supreme Court of India. The notices were given to the learned Addl. Advocate General and convict Bhai Khan was called from the Central Jail, Jodhpur.

2. We have heard convict Bhai Khan and Dr. S.S. Bhandawat, Addl. Advocate General.
3. The petitioner has been found guilty for the offence under Section 21 of the NDPS Act, 1985 (in short 'the Act of 1985') by the learned Addl. Sessions Judge, Jaisalmer and was sentenced to 15 years R.I. and a fine of Rs. 2 lacs and in default of payment of fine to further undergo to two years R.I. Bhaikhan filed an appeal against his conviction sentence being SB Cr. Appeal No. 8/1989, which was dismissed by this Court vide judgment dated 7.3.1991. The S.L.P. filed by the convict in the Hon'ble Supreme Court of India has also been dismissed by its order dated 13.2.1993.
4. Section 32(a) of the Act of 1985 specifically lays down that notwithstanding anything contained in the Cr.P.C. for any other law for the time being in force but subject to Section 33, no sentence awarded under this Act shall be suspended or remitted or committed. Therefore, keeping in view this specific bar convict BhaiKhan is not at all entitled for his release on parole.
5. Therefore, this petition is hereby dismissed.