

Pilli Ram Vs. State and ors.

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Court : Rajasthan

Decided On : May-17-1991

Reported in : 1991(2)WLN444

Judge : I.S. Israni, J.

Appeal No. : S.B. C.W. Pet. No 763 of 1991

Appellant : Pilli Ram

Respondent : State and ors.

Disposition : Petition dismissed

Judgement :

I.S. Israni, J.

1. Heard. None present for petitioner. This case has been adjourned several times, since no one appeared on behalf of the petitioner. Today also the position is same.

2. A prayer has been made in the petition that orders may be made for premature release of petitioner. It is mentioned in the petition that petitioner was convicted in Case No. 56/82 (State of Rajasthan v. Pilli) by Additional Sessions Judge, Gangapur City and was sentenced to life imprisonment under Section 302 I.P.C. Apart from this, some other sentences were also passed for lesser period in the

above case in various other Sections. It is also prayed that the respondent may be directed for releasing him on premature release as per provisions of Rule 8(vi) of the Rajasthan Prisons (Shortening of Sentences) Rules, 1958 (for brevity 'the Rules, 1958').

3. Reply has been filed. It is submitted by Shri Yameen Khan on behalf of Shri M.I. Khan that petitioner is guilty of suppressing the facts. He has three convictions to his discredit. One is in Sessions Case No. 56/82, which has been mentioned by the petitioner in the petition. Apart from this, he was also convicted in case No. 78/83 by learned Munsif & Judicial Magistrate, Hindaun City vide judgment dated September 29, '89 for offence punishable Under Section 323 I.P.C. and was sentenced to simple imprisonment for one month. The petitioner was also convicted in Criminal Case No. 72/88 by learned Munsiff & Judicial Magistrate, Hindaun City vide its judgment dated September 29, '89 for the offence Under Section 325/34 I.P.C. for a period of 2 years R.i. and a fine of Rs. 100/- It is contended by the learned Counsel that the petitioner is not entitled to premature release in view of the provisions of Sub-clause (vi) of Rule 8 of the Rules, 1958.

4. Rule 8 lays down the conditions for premature released. Clause (vi) of the above rule provides that 'prisoners who have attained the age over 65 years in case of male prisoners and over 55 years in case of women prisoners in whose case no public interest is likely to be served by keeping them in prison: provided they are serving sentences for their first and only conviction.' This shows that only such prisoners who are undergoing their first and only conviction, are entitled for consideration to be released premature release under the above mentioned provisions. The petitioner has come to this Court with un-clean hands. He was been convicted in two other cases also as mentioned.

5. The petition is, therefore, dismissed.