

Bhuri Singh Vs. State

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Court : Rajasthan

Decided On : May-30-2000

Reported in : 2001(1)WLN558

Judge : G.L. Gupta and; J.C. Verma, JJ.

Appeal No. : D.B. Cr. Misc. Application No. 202 of 2000

Appellant : Bhuri Singh

Respondent : State

Judgement :

G.L. Gupta, J.

1. This is a letter petition by Bhuri Singh convict, who is a convict under Section 302 IPC and is lodged in open jail at Bikaner. It is stated that the first parole was granted to the petitioner in May 1997 but thereafter second and third paroles, which have become due, have not been granted to him.

2. The State of Rajasthan has filed reply, in which it is stated that the matter of grant of parole to Bhuri Singh was considered in the meeting of District Advisory Parole Committee on 15.10.1999 but the Committee rejected his case.

3. We have heard the arguments of learned Counsel for the parties and perused the record of the case.

4. It is noticed that the matter of grant of parole was considered by the District Parole Advisory Committee in its meeting on 15.10.1999, which was presided over by Shri Mahesh Chandra Bhardwaj, Collector Karoli, Shri Banney Singh, Acting Supdt. of Police, Karoli, Shri Murari Lal Meena, District Social Welfare Officer, Karoli, Shri J.P. Ragor, & Shri Harendra Mishra, Assistant Jailors, Sub-Jail, Karoli and Hindaun attended the meeting.

5. Rule 5 of the Rajasthan Prisoners Release on Parole Rules, 1958, requires that the matter of grant of parole shall be placed before the District Committee. The District Parole Advisory Committee known as District Committee has been defined in Rule 2(g) of the Rules which reads as follows:

2 (g) District Parole Advisory Committee means a committee consisting of the following which will decide as to release the Prisoners on First, Second and Third parole revocation of the orders of Prisoners released on parole and other like matters arising under the rules which the District Parole Advisory Committee (hereinafter be referred to as 'District Committee') is required to deal with:

1. District Magistrate - Chairman
2. Superintendent of Police - Member
3. Superintendent/Dy. Supdt. Jail - Member
4. Probation Officer - Member
The quorum for transacting the business of the Committee shall be two including the Chairman. Where the Chairman is unable to attend the meeting of the Committee, the proceedings of the Committee shall be forwarded to the Chairman for his approval. In case the Chairman decides to consider in the next meeting of the Committee which shall be attended by the Chairman also.

6. A reading of the provisions makes it clear that the District Parole Advisory Committee consists of only the District Magistrate, Supdt. of Police, Supdt./Dy. Supdt. Jail and Probation Officer. There is no provision under the Rules for the inclusion of any other person in the Committee. There is also no provision for the special invitees.

7. In the instant case, a perusal of minutes of the meeting held on 15.10.1999 shows that the meeting was attended by the persons who were not members of the Committee, such as Additional Collector, Karoli, Acting Supdt. of Police, Karoli

and District Social Welfare Officer, Karoli. Under Clause (g) of Rule 2 obviously they were not the members of the Committee. It is not understood as to how those persons were called in the meeting of the Committee. Their participation in the meeting to consider the matters of grant of parole to the convicts was obviously de hors the Rules.

8. When the Rule says that the Superintendent of Police is member of the Committee, the Supdt. of Police himself was required to attend the meeting. It is not a mere formality that the Supdt. of Police sends any officer to represent him. It is also not clear as to how Shri Banney Singh was the Acting Supdt. of Police. It is obvious that the Supdt. of Police, a member of the Committee, failed to attend the meeting and a person who was not a member of the Committee, attended the meeting.

So also the Additional Collector without being member of the Committee attended the meeting.

Again the District Social Welfare Officer attended the meeting though he was not a member of the Committee. Probation Officer of the Social Welfare Department is the member of the District Parole Advisory Committee. It is not said that Shri Murarilal Meena, District Social Welfare Officer was also the Probation Officer and, therefore, his participation in the deliberation of the meeting was also without any authority.

It is further noticed that the Assistant Jailors of the Jails, attended the meeting. Only the Supdt./Dy. Supdt. Jail, is the member of the Committee. Assistant Jailor is not the member of the Committee and therefore, their participation in the meeting was also without any authority.

9. It is obvious that the meeting in which the case of the petitioner was considered, was not attended by some members and was attended by unauthorized persons. The decision taken in such a meeting does not have the authority of law. It has, therefore, become necessary to direct that the Committee reconsiders the matter.

10. Consequently, it is directed that the respondents shall place the matter of grant of parole before the District Parole Advisory Committee, Sikar, in the light of the observations made above which shall consider the case of grant of parole to the petitioner within a period of four weeks from today. Needless to emphasize that the Committee is required to consider the cases of all the convicts, whose cases were considered in the meeting of 15.10.1999.

11. The petition is disposed of as above.

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