

Ramnanda Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Jan-13-2009

Reported in : 2009(3)WLN138

Judge : Narendra Kumar Jain and; Guman Singh, JJ.

Appellant : Ramnanda

Respondent : State of Rajasthan

Disposition : Petition allowed

Judgement :

Narendra Kumar Jain, J.

1. Heard learned Counsel for the State and examined the contents of letter petition as well as reply thereto filed by the State.

2. The petitioner has preferred this parole writ petition for grant of first parole of 20 days. A notice to show cause was given and in response thereto, the respondents have filed their written-reply, wherein they have admitted the contents of the letter petition to the effect that petitioner has completed 1/4th of his sentence of imprisonment awarded by the trial Court and his conduct during custody in jail was satisfactory. It is relevant to mention that in the written reply, the respondents have mentioned that this parole writ petition has been preferred in the name of convict

Ram Nanda, whereas as per history ticket of the petitioner, the name of convict has been entered as Nanda S/o Kishan Lal by caste Meena. However, during the course of arguments, the learned Counsel for the State admitted that the convict Ram Nanda is Nanda S/o Kishan Lal and there is no dispute about name of the petitioner. The respondents have also annexed Annexure-R/2, the application preferred by the petitioner in the name of Nand Ram, which was verified by Superintendent, Central Jail, Jaipur and he signed as Ram Nanda on the said application, therefore, there is no dispute that Ram Nanda and Nanda is one and same convict.

3. The reply to writ petition shows that the application for parole of the petitioner was rejected only on the basis of adverse report of the Superintendent of Police and Social Welfare Officer, Dausa. However, during the course of arguments the learned Counsel for the State is unable to support the adverse report of Superintendent of Police as well as Social Welfare Officer. The same have also not been placed on record. As per Rule 9 of the Rajasthan Prisoners (Release on Parole) Rules, 1958, there are only two requirements, which are fulfilled in the present case for grant of first parole of 20 days to the convict.

4. In view of above, the writ petition is allowed. It is directed that accused petitioner Ram Nanda @ Nanda S/o Kishan Lal be released on first parole of 20 days on furnishing his personal bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand) with two sureties of Rs. 25,000/- (Rs. Twenty Five Thousand only) each to the satisfaction of the Superintendent, Central Jail, Jaipur. The other conditions will be imposed by the Superintendent, Central Jail, Jaipur as per rules.

5. A copy of this order may be sent for compliance to the Superintendent, Central Jail, Jaipur.