

**Paras Vs. State of Raj**

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**Court :** Rajasthan Jodhpur

**Decided On :** Nov-19-2012

**Appellant :** Paras

**Respondent :** State of Raj

**Judgement :**

1 D.B. CIVIL PAROLE WRIT PETITION NO. 11647/2012 Smt. Paras Vs. State of Rajasthan DATE OF ORDER ::

19. 11.2012 HON'BLE MR. JUSTICE GOVIND MATHUR HON'BLE MR. JUSTICE NARENDRA KUMAR JAIN-II By Post. Mr. KR Bishnoi, Addl. Government Advocate. ... In pursuant to the judgment and order dated 14.7.2004, the petitioner is undergoing life term imprisonment being convicted for an offence punishable under Section 302 IPC. He has already served sentence for a term of 10 years, 11 months and 28 days including jail remission for a period of 02 years, 08 months and 11 days as on 31.10.2012. He availed first parole in accordance with the Rajasthan Prisoners Release on Parole Rules, 1958 (for short 'the Rules of 1958' hereinafter) from 28.12.2009 to 16.1.2010 and second parole in accordance with the Rules of 1958 was awarded to him by the District Parole Advisory Committee, Jalore on 23.8.2012 subject to furnishing one surety of Rs.20,000/- and a personal bond of Rs.20,000/-. The parole granted was subsequently cancelled in pursuant to the decision of the Government of Rajasthan circulated on 5/30.8.2012. The Government of Rajasthan by the circular aforesaid notified that no parole to any convict-prisoner shall be granted by the District Parole Advisory Committees if the

conviction 2 recorded and sentence awarded is subject matter of judicial proceedings. The decision aforesaid is based upon the Division Bench judgment of this Court in Umesh Kumar @ Munna Singh & Ors. Vs. State of Rajasthan & Ors. (D.B. Civil Writ (Parole) Petition No.2138/2011) decided on 5.6.2012. It is submitted by the petitioner in application that her conduct was quite satisfactory and she availed first parole in accordance with the Rules of 1958 in the year 2009-2010, as such, no reason now exists to deny second regular parole. We have considered all the facts of the case including the fact that the District Parole Advisory Committee, Jalore awarded regular parole to the petitioner after taking into consideration her jail conduct or other relevant facts. In view of it, we are of the opinion that though an appeal is pending before this Court giving challenge to the conviction and sentence passed by the trial court, the petitioner deserves to avail second regular parole in accordance with the Rules of 1958. Accordingly, the petition for writ (parole) is allowed. The respondents are directed to release the petitioner on parole for a period of 30 days in accordance with the Rules of 1958, if she furnishes a surety of Rs.20,000/- and a personal bond of the same amount subject to the satisfaction of the Superintendent, Central Jail, Jodhpur. [NARENDRA KUMAR JAIN-II], J.

[GOVIND MATHUR], J.

Rm/

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