



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

D.B. Criminal Writ Petition No. 613/2023

Asha Ram @ Ashumal S/o Lt. Sh. Thevardas @ Thaumal, Aged About 85 Years, At Present Lodged In Central Jail, Jodhpur Through His Nephew Ramesh Bhai S/o Sh. Lal Chand Pagarani, Aged About 66 Years R/o C-1, Sahyog Park, Nandigram, Nobel Nagar, P.s. Sardar Nagar, Dist. Ahmedabad (Guj.).

-----Petitioner

Versus

1. State Of Rajasthan, Dept. Of Home Jaipur.
2. The Dist. Collector, Jodhpur.
3. The Superintendent, Central Jail, Jodhpur.

-----Respondents

---

For Petitioner(s) : Mr. Kalu Ram Bhati  
Mr. S. D. Chavariya  
Mr. Lalit Kishore Sen

For Respondent(s) : Mr. Anil Joshi, GA-cum-AAG  
Mr. Pallav Sharma, AAAG

---

**HON'BLE MR. JUSTICE VIJAY BISHNOI  
HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT**

**Order**

**10/07/2023**

This writ petition has been filed on behalf of the petitioner with a prayer that the respondents may be directed to release the petitioner on 20 days' parole. The petitioner was convicted and sentenced for offence the under Sections 370(4), 342, 506, Section 376(2)(D)(F) IPC read with Section 23 of the Juvenile Justice Act, 2000.

The grievance of the petitioner is that he has filed an application with a prayer for releasing him on 20 days' parole, but



the respondents are not taking any decision on the said application.

Reply to the writ petition has been filed on behalf of the State, wherein it is stated that the District Parole Advisory Committee, Jodhpur, in its meeting dated 20.06.2023, has considered the application filed by the petitioner for releasing him on 20 days' parole, however, rejected the same on the ground that he is not entitled to grant of benefit of 20 days' parole as per the provisions of the Rajasthan Prisoners Release on Parole Rules, 2021 (for short 'the Rules of 2021').

Learned counsel for the petitioner has argued that the petitioner was convicted and sentenced by the trial court on 25.04.2018, whereas the Rules of 2021 came into effect from 30.06.2021 and, as such, the application filed by the petitioner for releasing him on 20 days' parole is liable to be considered under the provisions of the Rajasthan Prisoners Release on Parole Rules, 1958 (for short 'the Rules of 1958') and not as per the provisions of the Rules of 2021.

Learned counsel for the petitioner has placed reliance on the decision passed by the Hon'ble Supreme Court in the case of **Hitesh @ Bavko Shivshankar Dave Vs. State of Gujrat : Writ Petition (Criminal) No.467/2022, decided on 24.01.2023** and the decision passed by this Court in the case of **Anil Kumar @ Kaley vs. State of Rajasthan & Ors.: D.B. Criminal Writ Petition (Parole) No.381/2022, decided on 02.02.2023** at Jaipur Bench.

Learned AAG has opposed this parole writ petition, however, he is not in position to dispute the fact that the application filed by



the petitioner for releasing him on 20 days' parole is liable to be considered as per the provisions of the Rules of 1958 as laid down by the Hon'ble Supreme Court in **Hitesh's** case (supra).

In such circumstances, the decision taken by the District Parole Advisory Committee, Jodhpur in its meeting dated 20.06.2023, refusing to grant parole of 20 days' to the petitioner, is hereby set aside and the respondents are directed to consider the application filed by the petitioner for releasing him on 20 days' parole afresh in accordance with the provisions of the Rules of 1958, instead of the provisions of the Rules of 2021, within a period of six weeks from the date of production of certified copy of this order.

This parole writ petition is disposed of accordingly.

**(YOGENDRA KUMAR PUROHIT),J**

**(VIJAY BISHNOI),J**

15-Arun/-