



ITEM NO.40

COURT NO.11

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No.6166/2023

(Arising out of impugned final judgment and order dated 15-02-2023 in SCRA No. 963/2023 passed by the High Court of Gujarat at Ahmedabad)

MAFABHAI MOTIBHAI SAGAR

Petitioner(s)

VERSUS

THE STATE OF GUJARAT & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.98352/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.98353/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 11-09-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. Ali Asghar Rahim, Adv.
Mr. Rauf Rahim, AOR

For Respondent(s) Ms. Swati Ghildiyal, AOR
Ms. Devyani Bhatt, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Order dated 28.08.2023 clearly records that nearly one year back on 22.09.2022, the Jail Advisory Committee had unanimously opined that the petitioner should be granted remission. It is also noted in the order that in November, 2022, the proposal sent to the State Government was returned on the ground that the proposal was stale. Therefore, we observed in the order that the Government has

to blame itself for the delay in considering the proposal. Hence, we passed a clear order directing the State Government to take appropriate decision on the proposal and to place the same before this Court within two weeks.

Today, an affidavit has been filed by the State Government of Shri P.G. Narwade, Deputy Superintendent, Lajpore Central Prison, Surat. Firstly, the State has not applied for extension of time to comply with the last order. The affidavit shows that ADGP is still in the process of preparing a proposal for submitting it to the State Government (Home Department) for passing final order. The affidavit is silent about the time frame in which that will be done. The State has not applied for extension of time granted under order dated 28.08.2023. Not even an apology has been tendered for the delay. On the contrary, in paragraph 16, the State has defended the delay but has also said that there were administrative lapses.

Learned counsel appearing for the State now submits that compliance will be made within two weeks.

The State Government has taken one year to consider the prayer for premature release of the petitioner. We, therefore, direct that the petitioner shall be forthwith enlarged on parole on appropriate terms and conditions.

List the matter on 06.10.2023.

The decision of the State Government shall be placed on record within two weeks. The order of parole will continue till further orders.

A copy of the order be forwarded to the Jail Superintendent who has filed counter affidavit.

(KRITIKA TIWARI)
SENIOR PERSONAL ASSISTANT

(AVGV RAMU)
COURT MASTER (NSH)