

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (DIRECTION) NO. 512 of 2026**

With
CRIMINAL MISC.APPLICATION (PAROLE LEAVE) NO. 1 of 2026
In R/SPECIAL CRIMINAL APPLICATION NO. 512 of 2026

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MUSTAKBHAI ALAMBHAI PARMAR THRO SAGUFTA W/O MUSTAKBHAI
 PARMAR

Versus
 STATE OF GUJARAT & ORS.

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Appearance:

BHAVIN B THAKAR(9371) for the Applicant(s) No. 1

NOTICE SERVED for the Respondent(s) No. 2,3

MR TRUPESH KATHIRIA, PUBLIC PROSECUTOR for the Respondent(s)
 No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 25/06/2026

COMMON ORDER

1. By filing the present petition, under Article 226 of the Constitution of India, the petitioner has prayed for the following reliefs;

“16. ...

A. YOUR LORDSHIPS MAY BE PLEASED to admit and allow this application;

B. Your lordships may be pleased to issue appropriate writ or order by quashing and setting aside order dated 22-12-2025 passed by respondent (ANNEXURE-D) AND FURTHER BE pleased to Direct the authority to consider the remission accordance with law and release the present

petitioner;

C. Be pleased to pass such other and further order as may be deemed fit in the interest of justice;”

2. The facts and circumstances, giving rise to the present petitioner, are that the petitioner herein is convicted for the offence punishable under Section 302 of the Indian Penal Code and other allied offences and he has been sentenced to undergo imprisonment for life. As per the jail remarks-sheet, the petitioner has undergone incarceration for about 21 years. The State Government, Home Department, vide order dated 19.08.2023, rejected the proposal for grant of remission to the present petitioner, against which the petitioner had approached this Court by filing Special Criminal Application (Direction) No. 2894 of 2025 and the Coordinate Bench of this Court, vide order dated 04.09.2025, had remanded the matter back to the Respondent-authorities for taking a decision, afresh, by taking into consideration the judgment of the Hon’ble Apex Court, rendered in the case of “**Nawas @ Mulanavas Vs. State of Kerala**”, reported in 2024 INSC 215. Thereafter, the Respondent-State Government reconsidered the case of the present petitioner for grant of remission and again rejected his case vide order dated 22.12.2025. Being aggrieved by the said order, the petitioner is before this Court by filing the present petition.

3. Learned Advocate, Mr. Bhavin Thakar, appearing for the petitioner submitted that the petitioner has undergone incarceration for more than 21 years for the offence, for which he has been convicted. It was, further, submitted that the case of the petitioner for grant of remission was rejected mainly on the ground of abscondance by the petitioner for about 709 days. It was submitted that the jail authorities have already imposed sufficient punishment for abscondance on the part of the petitioner and therefore, the Respondent-authorities ought not to have taken the aspect of abscondance in consideration, while deciding the case of the petitioner for grant of remission. He, further, submitted that the instances of misconduct cited against the present petitioner by the jail authorities are false and frivolous. He, therefore, submitted to allow this petitioner and quash and set aside the impugned order and order the release of the petitioner on remission, forthwith.

3.1 No other submission was made.

4. On the other hand, learned APP strongly opposed this petition, contending that the offence, for which the petitioner is convicted, is very serious in nature. The petitioner is convicted in a case, pertaining to double murder. He, further, submitted that the conduct of the petitioner in jail is also not good and the petitioner is also

having similar other antecedent to his discredit. He, therefore, submitted to dismiss this petition.

5. Heard learned Advocates for the parties. From the material on record, it appears that the petitioner herein has been convicted for the offence punishable under Section 302, read with Sections 304(2), 307, 324, 147 and 149, of the IPC vide judgment and order dated 23.10.2001. The petitioner had approached this Court by filing Criminal Appeal No. 289 of 2002 against his conviction and the Division Bench of this Court vide judgment and order dated 22.01.2009 has been pleased to dismiss the said appeal.

5.1 As per the facts of the case, the present petitioner and other co-accused were involved in the trade of illicit liquor and some quarrel took place between the accused and the deceased persons with regard to distribution of liquor and two persons lost their lives in the said incident. Therefore, the petitioner is imposed the sentence of imprisonment for life. The State Government considered the case of the petitioner for grant of remission and rejected the same vide order dated 19.08.2023 and against that, the petitioner had preferred Special Criminal Application No. 2894 of 2025, wherein, the learned Single Judge, vide order dated 04.09.2025, remanded the matter back to reconsider the case of the petitioner in light of the ration laid down by the Hon'ble Apex Court in the case of "**Nawas @ Mulanavas**'

(Supra).

5.2 Thereafter, the Respondent-State Government reconsidered the case of the petitioner for grant of remission and passed an exhaustive order dated 22.12.2025 and again rejected the proposal for grant of remission to the petitioner. What appears to have weighed with the Respondent-authorities, while again rejecting the case of the petitioner for grant of remission, is mainly the conduct of the petitioner in jail as well as the seriousness of the offence for which, he is convicted.

5.3 From a perusal of the jail remarks-sheet, it appears that during the course of his incarceration, when the petitioner was considered for release on temporary bail in the year 2002, he remained absconding for the period of 175 days and he had to be arrested by the police. Thereafter, again in the year 2023, when he was released, he remained absconding for the period of 534 days before being arrested by the police. Thus, the petitioner remained absconding for about 709 days. The jail remarks-sheet also indicates unruly behavior of the present petitioner and for which several jail punishments have also been inflicted on him by the jail authorities for his misconducts. It also appears from the record that the petitioner is also having similar antecedent, which would indicate that he is a habitual offender. Further, a perusal of the impugned order indicates

that the Respondent-authorities, including the police authorities and the learned Sessions Court, have given a negative opinion against the release of the present petitioner.

6. Having regard to the aforesaid facts, the Respondent-authorities cannot be said to have committed any error in passing the impugned order. Hence, this petition deserves to be dismissed and the same is ***dismissed***.

6.1 In view of the dismissal of the main matter, connected miscellaneous application shall not survive and the same also stands ***disposed of***, accordingly.

UMESH/-

(M. R. MENGDEY,J)