

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (DIRECTION) NO. 8986 of 2026**

With
CRIMINAL MISC.APPLICATION (PAROLE LEAVE) NO. 1 of 2026
In R/SPECIAL CRIMINAL APPLICATION NO. 8986 of 2026

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BHURSING RAVSING THAKOR

Versus
 STATE OF GUJARAT & ORS.

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Appearance:

MR BJ PRIYADARSHI(6016) for the Applicant(s) No. 1

NOTICE SERVED for the Respondent(s) No. 2,3,4

MR TRUPESH KATHIRIYA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE M. R. MENGDEY**

Date : 31/07/2026

ORDER

Order in Special Criminal Application No.8986 of 2026

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

“(A) Be pleased to admit and allow this application.

(B) Your Lordships may be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ and passed the order or direction and quash and set aside the impugned decision dated 8/6/2026 passed by the respondent No.4 (at Annexure- B hereto) and further be pleased to direct the respondent authority to release the petitioner from prison as the petitioner has already served more than 14 years of imprisonment as on date.

(C) Be pleased to directed the authority respondent No-4. The State Government to reconsidered the remission application of the present petitioner U/S 473 and 475 A of the BNSS of 2023 (432, 433A OF CR PC 1973) within a stipulated period.

(D) Your Lordship Pleased grant the long parole leave till the disposal the this application of remissions under section 473 and 475 of B NSS of 2023 (432, 433A OF CR PC 1973).

(E) Be pleased to grant such other and further relief/s which may deem fit and proper in the interest of justice.

(F) Affidavit may kindly dispensed with as the applicant is in jail.”

2. The petitioner herein was convicted for an offence punishable under Section 302 of the Indian Penal Code (hereinafter, to be referred as ‘the IPC’) and other allied offences by the learned Sessions Court at Palanpur and was sentenced to undergo life imprisonment and has thus undergone sentence for 23 years and 9 months. The respondent authorities, vide an order dated 08.06.2026, had rejected the case of the petitioner for grant of remission. Being aggrieved by the said order, the petitioner is here before this Court, by filing the present petition.

3. Heard learned advocate Shri. B. J. Piyadarshi appearing for the petitioner. He submitted that the perusal of the impugned order would indicate that all the concerned authorities had given positive reply as regards grant of remission to the petitioner. However, the respondent authorities have rejected the case of the petitioner for grant of the same, since earlier, the petitioner had absconded when he was temporarily released. He further

submitted that the other co-accused have already been considered for grant of remission by the respondent-state. He therefore submitted to allow the present petition and quash and set aside the order impugned in the petition and direct the respondent authorities to release the petitioner forthwith by granting him benefit of remission.

4. Learned APP has opposed the petition contending that the conduct of the petitioner in the jail was not good and on several occasions he had absconded when he was released either on parole or furlough leave. He also submitted that the offence for which the petitioner has been convicted is serious in nature. He therefore submitted to dismiss the petition.

5. Heard learned advocates for the parties. The petitioner herein has undergone incarceration for a period of 23 years and 9 months by now. He has been convicted for an offence punishable under Section 302 of the IPC and is sentenced to undergo imprisonment for life. The perusal of the order impugned in the petition whereby the case of the petitioner for grant of remission is rejected by the state indicates that the Jail Advisory Committee has given a positive opinion with regard to grant of remission to the petitioner. However, despite the same, the state has passed the impugned order rejecting the case of the petitioner. The record also indicates that two of the co-accused of the petitioner have already been considered for grant of remission and they have been released.

6. Having regard to these aspects, the order impugned in the petition is quashed and set aside. The respondents shall

reconsider the case of the petitioner for grant of remission afresh without being influenced by the order impugned in the present petition. Such an exercise shall be carried out by the respondents within a period of four months from the date of receipt of the present order.

7. With these observations, the present petition stands disposed of.

Order in Criminal Misc. Application No.1 of 2026 in Special Criminal Application No.8986 of 2026

1. In the main petition, the respondent authorities have been directed to reconsider the case of the applicant for grant of remission afresh within a period of four months.

2. Having regard to the fact that the applicant has undergone incarceration for more than 23 years, he is ordered to be released on parole leave for a period of four months or till the respondents take decision afresh pursuant to the order of this Court in the main petition, whichever is earlier.

3. Accordingly, the present application stands disposed of.

AHS

(M. R. MENGDEY,J)