

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Writ Petition (Parole) No. 428/2025

Gajendra Alias Mithun S/o Shri Rajendra, Aged About 34 Years,
R/o Sakarvada, Police Station Nahargarh, District Baran at
present Simliya Police Station Simliya District Kota (Raj.)
(At present confined in Central Jail Kota)
Through his brother- Narendra Kumar S/o Shri Rajendra, aged
about 22 Years, R/o Sakarvada, Police Station Nahargarh,
District Baran at present Simliya Police Station Simliya District
Kota (Raj.)

-----Petitioner

Versus

1. State of Rajasthan, through Inspector General, Prison,
Jaipur.
2. The District Parole Advisory Committee, through The
District Magistrate, Kota (Raj.).
3. The Superintendent, Central Jail Kota (Raj.).

-----Respondents

For Petitioner(s)	: Mr. Govind Prasad Rawat
For Respondent(s)	: Mr. Sudesh Saini, Add.G.A. with Mr. Aman Kumar

HON'BLE MR. JUSTICE AVNEESH JHINGAN
HON'BLE MR. JUSTICE BHUWAN GOYAL
Order

08/04/2025

1. This petition is filed seeking quashing of order dated
06.03.2025 passed by the District Parole Advisory Committee,
Kota (for short 'the Committee') rejecting the prayer for parole.
2. The petitioner is serving life imprisonment in Central Jail,
Kota. The appeal against conviction is pending before this Court.
The petitioner was granted first parole for the period of twenty
days and he surrendered on due date. The application filed under
Rule 9 of the Rajasthan Prisoners Release on Parole Rules, 1958
for grant of second parole was rejected by the Committee.

3. From perusal of the impugned order, it is forthcoming that parole was recommended by the jail authorities as well as Superintendent of Police but the parole was rejected relying upon Rajasthan Prisoners Release on Parole Rules, 2021 (for short 'Rules of 2021').

4. It is an admitted case that the petitioner was convicted on 18.01.2021. The Rules of 2021 came into force on 30.06.2021. The issue that Rules of 2021 would be applicable to the conviction after coming into force of Rules of 2021 is no longer res-integra and has been decided by the Supreme Court in Hitesh @ Bavko Shivshankar Dave vs. State of Gujarat reported in (2024) 5 SCC 627. It was held that the Rules as prevalent at the time of conviction shall apply. To the same effect is decision of the Division Bench of this Court in D.B. Criminal Writ Petition (Parole) No.264/2023 (Nitansh Sain vs. State of Rajasthan & Ors.).

5. The impugned order has been passed without appreciating the legal position on the applicability of Rules of 2021 and inspite of recommendation for granting parole by two authorities.

6. In view of the above, the impugned order dated 06.03.2025 is set aside and the matter is remitted back to the Committee to decide afresh in accordance with law.

7. The decision shall be taken within two weeks from the date of receipt of certified copy of this order.

8. The writ petition (parole) is allowed.

(BHUWAN GOYAL),J

(AVNEESH JHINGAN),J