



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

D.B. Criminal Writ Petition No. 2351/2025

Rajmal S/o Ramchandra, r/o Lakkadwas, P.S. Pratapnagar, Dist.
Udaipur.
(presently lodged in Central Jail, Udaipur.)

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary
2. Collector, Udaipur
3. Superintendent, Central Jail Udaipur.

-----Respondents

For Petitioner(s)	:	Mr. Amit Kumar, Amicus Curiae Mr. Kalu Ram Bhati
For Respondent(s)	:	Mr. Deepak Choudhary, GA-cum-AAG with Mr. K.S. Kumpawat

**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE ANUROOP SINGHI**

Order

Reportable

18/09/2025

1. The present letter petition filed by the convict-petitioner has been received from the Central Jail, Udaipur with the prayer for premature release.
2. Heard learned counsel for the parties.
3. Learned counsel for the convict-petitioner submits that the petitioner is undergoing the sentence awarded vide order dated 04.10.2006 passed by the learned Additional Sessions Judge (Fast Track) No.1, Udaipur for the offence committed under Section 302 IPC. He further submits that as per the nominal roll annexed with the reply to the letter petition, the petitioner has undergone a sentence of 24 years, 5 months and 10 days. He further submits



that the petitioner has actually served the sentence of more than 14 years and the jail remission is of 2 years, 9 months and 24 days and State remission is of 2 years.

4. Learned counsel for the petitioner further submits that as per *Rule 8(2)(i) of the Rules of Rajasthan Prison (Shortening of Sentences) Rules, 2006* (hereinafter referred to as "Rules, 2006"), the petitioner's case is matured for premature release. He further submits that as the petitioner has got the remission of more than 2 years and 6 months, it depicts the fact that the conduct of the petitioner in jail is good. He further submits that merely because the petitioner has not been released on permanent parole, the case for premature release cannot be rejected. He further submits that as per the reply filed by the State Government, it is clear that two brothers of the petitioner namely Laxmi Lal who lives in Mumbai and Mahaveer who lives in Karnataka and three sisters are married and living in their matrimonial homes. Learned counsel for the petitioner further submits that a very general and casual report has been submitted before the Advisory Committee that release of prisoner could be a threat to the society without there being any foundation for the same. He, therefore, prays that the present criminal writ petition may be allowed and the petitioner may be released as per Rules, 2006 as it is a fit case for premature release.

5. Mr. Deepak Choudhary, learned GA-cum-AAG appearing for the respondent-State while opposing the submissions made by the learned counsel for the petitioner submits that it was reported to the Advisory Committee that release of petitioner could create disturbance in the society and a probable threat to the close





relatives of the petitioner as the petitioner is convicted for the murder of his mother and, therefore, the premature release of the petitioner is not in the larger interest of the society. He, therefore, prays that the present criminal writ petition may be dismissed.

6. We have considered the submissions made at the Bar and have gone through the relevant record of the case.

7. As per the details submitted by the State in its reply, it is clear that the petitioner has undergone the actual sentence of more than 14 years and he has earned the jail remissions for 2 years, 9 months and 24 days and State remission for 2 years.

8. In view of the undergone period of the petitioner mentioned hereinabove, the case of the petitioner for premature release was required to be considered by the Advisory Committee in the light of Rules, 2006.

9. Rules 8(2)(i), 11 and 12 are relevant for adjudicating the issue in the present case, therefore, they are reproduced as under:-

"8. Prisoners eligibility for consideration by the advisory Board.-

(2) Notwithstanding anything in sub-rule (1)

(i) a prisoner who has been sentenced-to imprisonment for life for an offence for which death penalty is one of the punishment provided by law or who has been sentenced. to death but his sentence has been commuted under Section 433 of Code of Criminal Procedure, 1973, into one of imprisonment for life, shall be considered only after he has served 14 years of actual imprisonment excluding remission but including the period of detention spent during enquiry, investigation or trial, on the condition that such a prisoner shall also have to earn a minimum of 4 years of remission in order to be eligible for consideration.



11. Conditions for release.- The Advisory board may recommend release of a prisoner conditionally or unconditionally whenever a prisoner is to be released prematurely. Stringent conditions shall be imposed on a prisoner recommended to be released conditionally if so accepted by the Government, and the prisoner so recommended for release shall be made to enter into a bond in Form-2.

12. Consideration by Government.-

(1) On receipt of the proceedings of the Advisory Board, and any other relevant paper the Government may order release of a prisoner in cases for which, having regard to all the circumstances of the case, it considers that the prisoner may be released without any harm or danger to the society and the victim and his family. The Government may, if so advised seek more information from any other source it deems fit in order to reach a considered decision.

(2) Government may accept or reject of a recommendation for the release a prisoner Provided that while issuing an Order of rejection in respect of a recommendation of premature release by an Advisory Board, it shall be sufficient for the Government to state in the said Order, that the matter has been considered in detail and the Order has been passed after taking all the relevant aspects into account.

(3) In case of a prisoner sentenced by Court-Martial the Government shall forward its recommendations to the Government of India for necessary orders."

10. A bare perusal of Rules 8, 11 and 12 of Rules, 2006 clearly goes to show that a prisoner, who has completed actual sentence of 14 years in the case of conviction who is sentenced for life imprisonment and his jail remission is of 2 years, 6 months is entitled for consideration for premature release.

11. The reason for rejection of the application for premature release of the petitioner by the Advisory Committee is not very





convincing and plausible, more particularly, when his both brothers are living at Mumbai and Karnataka and three sisters are married and staying at their matrimonial homes. No adverse report has been furnished by the jail authorities and he has been granted the jail remission of 2 years and 6 months, therefore, the conduct of the petitioner is presumed to be 'good'. In the considered opinion of this Court, there is no foundation for the adverse reports submitted by the Police Department and Social Welfare Department. We find that rejection of the petitioner's case is merely on the basis of presumption that since he had murdered his mother, therefore, his release will cause disturbance in the society and there will be a threat to the other family members, therefore, the same cannot be sustained.

12. We further note that the State has already considered the matter of the petitioner positively for release on permanent parole, however, the petitioner could not furnish the sureties and personal bond for the release on permanent parole, therefore, he was not released.

13. In view of the discussion made above, the present criminal writ petition merits acceptance and the same is allowed. The petitioner is directed to be prematurely released by the State Government on usual terms and conditions.

(ANUROOP SINGHI),J

(VINIT KUMAR MATHUR),J

8-Payal/-