

IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL JURISDICTION  
WRIT PETITION (CRIMINAL) NO.284 OF 2018

ABRE REHMAT ANSARI

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ORS.

Respondent(s)

O R D E R

In Writ Petition (Crl.) No.235 of 2018, this Court had passed various directions in order to effectuate the facility of parole in favour of that petitioner.

After referring to the judgment rendered by this Court in *Asfaq v. State of Rajasthan & Others*, (2017) 15 SCC 55, this Court had accepted the prayer for release of the petitioner on parole for 21 days.

The observations of this Court in para 17 of its judgment in *Asfaq (supra)*, which are to the following effect, were also relied upon:

"17. From the aforesaid discussion, it follows that amongst the various grounds on which parole can be granted, the most important ground, which stands out, is that a prisoner should be allowed to maintain family and social ties. For this purpose, he has to come out for some time so that he is able to maintain his family and social contact. This reason finds justification in one of

the objectives behind sentence and punishment, namely, reformation of the convict. The theory of criminology, which is largely accepted, underlines that the main objectives which a State intends to achieve by punishing the culprit are: deterrence, prevention, retribution and reformation. When we recognise reformation as one of the objectives, it provides justification for letting of even the life convicts for short periods, on parole, in order to afford opportunities to such convicts not only to solve their personal and family problems but also to maintain their links with the society. Another objective which this theory underlines is that even such convicts have right to breathe fresh air, *albeit* for (*sic* short) periods. These gestures on the part of the State, along with other measures, go a long way for redemption and rehabilitation of such prisoners. They are ultimately aimed for the good of the society and, therefore, are in public interest."

It is matter of record that after the facility of parole was granted, the petitioner in Writ Petition (Criminal) No.235 of 2018 surrendered within the time stipulated and was taken in custody.

We, therefore, pass the following directions in the present case:

- a) The petitioner who is presently in Central Jail, Jaipur, shall be transferred to District Jail, Basti, U.P.. Such transfer shall be effected within next 10 days.
- b) Within 5 days of such transfer, the petitioner shall be released on parole for a period of 21 days, subject to the condition that he shall report to the In-charge, Police Station Mehdawal, District Sant Kabir Nagar, U.P. everyday between 10.30 a.m. to 12.00 noon.

- c) While on parole, the petitioner shall remain in area under the jurisdiction of Mehdawal Police Station and shall not go out of that area.
- d) On completion of 21 days of parole, the petitioner shall surrender himself before the police station Mehdawal, District Sant Kabir Nagar, U.P., whereafter the petitioner shall be lodged back in District Jail, Basti, U.P.
- e) Within five days of being lodged in District Jail, Basti, U.P., the petitioner shall be transferred to Central Jail, Jaipur, and shall then continue to be lodged in Central Jail, Jaipur.

This parole is granted so that the petitioner can maintain his relationship with his family. The facility of parole shall not be misused in any manner for having any communication either with co-accused or the persons involved in the crime. Any violation of this order will entail serious consequences.

Copy of this order shall immediately be sent to the Central Jail, Jaipur and the District Jail, Basti as well as the Police Station Medhawal, District Sant Kabir Nagar, U.P. for strict compliance.

List this matter for further consideration before Vacation Bench on 20.05.2019.

.....J.  
[UDAY UMESH LALIT]

.....J.  
[INDU MALHOTRA]

NEW DELHI;  
APRIL 15, 2019

ITEM NO.34

COURT NO.8

SECTION X

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

Writ Petition (Criminal) No.284/2018

ABRE REHMAT ANSARI

Petitioner(s)

VERSUS

STATE OF RAJASTHAN &amp; ORS.

Respondent(s)

(IA No.150933/2018 - For exemption from filing OT)

WITH

W.P. (Cr1.) No.250/2018 (X)

(IA No.133800/2018 - For exemption from filing OT)

Date : 15-04-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Mohd. Irshad Hanif, AOR  
Mr. Rizwan Ahmad, Adv.  
Mr. Mujahid Ahmad, Adv.  
Mr. Danish Sher Khan, Adv.

For Respondent(s) Dr. Manish Singhvi, Sr. Adv.  
Mr. Satyendra Kumar, Adv.  
Mr. Shailja Nanda Mishra, Adv.  
Mr. Milind Kumar, AOR

Mr. Kunal Verma, Adv.  
Ms. Yugandhara Pawar Jha, Adv.  
Mr. Milind Kumar, AOR  
Mr. Piyush Bhardwaj, Adv.

Mr. Vinod Diwakar, AAG  
Ms. Swarupama Chaturvedi, AOR

Mr. Satyalipsu Ray, Adv.  
Mr. S.S. Ray, Adv.  
Mr. B. V. Balaram Das, AOR

Mr. Ankur Prakash, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Writ Petition (Criminal) No.284/2018

The Court issued certain directions, in terms of the signed order.

List this matter for further consideration before Vacation Bench on 20.05.2019.

W.P. (Cr1.) No.250/2018

List in the second week of July 2019.

(MUKESH NASA)  
COURT MASTER

(SUMAN JAIN)  
BRANCH OFFICER

(Signed Order is placed on the File)