

Gujarat High Court

Javedkhan vs State on 19 April, 2011

Author: S.R.Brahmbhatt,&Nbsp

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SCR.A/209/2010 3/ 3 JUDGMENT

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL
CRIMINAL APPLICATION No. 209 of 2010

For
Approval and Signature:

HONOURABLE
MR. JUSTICE S.R. BRAHMBHATT

=====

1

Whether

Reporters of Local Papers may be allowed to see the judgment ?

2

To

be referred to the Reporter or not ?

3

Whether

their Lordships wish to see the fair copy of the judgment ?

4

Whether

this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5

Whether

it is to be circulated to the civil judge ?

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JAVEDKHAN
@ JAEED AZIZKHAN PATHAN - Applicant(s)

Versus

STATE
OF GUJARAT - Respondent(s)

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Appearance
:
MR
MUKUL SINHA for
Applicant(s) : 1,
MR PRAKASH JANI, PUBLIC PROSECUTOR for
Respondent(s) :
1,
=====

CORAM

:

HONOURABLE

MR.JUSTICE S.R.BRAHMBHATT

Date
: 19/04/2011

ORAL JUDGMENT

Heard learned advocates for the parties at length. The learned Public Prosecutor has placed on record the affidavit affirmed by Shri G.S.Khaira, Dy. Superintendent, Central Prison, Ahmedabad, indicating that the State would take a fresh decision independent of the earlier decision taken by the State Government on the basis of the report of the Committee and considering all the aspects of the case, the decision would be taken on or before 30.6.2011. In view of this affidavit, Shri Sinha submitted that the State be directed to take decision without being influenced by the earlier order which is impugned in this petition and the time limit for taking decision which is indicated to be 30.6.2011 be curtailed and the decision should be taken as soon as possible. The Court is of the view that the statement made in para-4 of the affidavit is sufficient to take care of anxiety expressed by Shri Sinha and, therefore, there is no need to pass any further order thereupon. The time limit prescribed for taking decision is, in fact, based upon the factor like meeting of Advisory Committee, which has been constituted under the provisions of the Bombay Jail Manual which is likely to be convened in the second week or third week of May, 2011. In my view, when such an affidavit is filed and when State has come forward with a decision to consider the matter for grant of remission to the petitioner independent of the earlier decision, no further order is required to be made and hence this petition is disposed of with direction to State to abide by the affidavit, which is stated to be filed under the instructions from the State authority concerned.

The earlier order thus now have no life and the State is to decide the matter as is stated in para-4 in the affidavit. Rule discharged. No order as to costs.

(S. R. BRAHMBHATT, J.) kks Top