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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 834/2016**

MOHD. ARIF @ ASHFAQ

..... Petitioner

Through: Mr Md. Irshad Hanif and Mr Arif Ali
Khan, Advocates.

versus

STATE

..... Respondent

Through: Ms Nandita Rao, Addl. Standing Counsel
(Crl.).
SI Darpan Singh, PS- New Friends
Colony, Delhi.
SI Bharat Ratan, PS- Kotwali, Delhi.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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15.03.2016

CRL.M.A. 4536/2016

Exemption is granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 834/2016

The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, praying for a direction to the competent authority to escort the petitioner in custody parole to the Pakistan High Commission at New Delhi.

The petitioner is a Pakistani National and has been convicted for his involvement in the attack on the Red Fort that occurred in the year 2000.

Counsel appearing on behalf of the petitioner states that there is some material in the form of information and documents that may be available with the Pakistan High Commission in Delhi which may assume relevance for the petitioner, in the hearing of the review petition before the Hon. Supreme Court of India, filed by him

seeking reconsideration of the capital punishment awarded to him in the said case.

The petitioner also seeks consular assistance from the Pakistan High Commission in terms of material support to prosecute his case.

Notice.

Ms Nandita Rao, learned Addl. Standing Counsel (Crl.), accepts notice and on instructions from the IO, states that in view of the decisions of this court in Writ Petition (Criminal) No. 1504/2011 (Khalid Mehmood v. State) dated 28.11.2011 and Writ Petition (Criminal) No.2364/2015 (Khalid Mehmood v. State) dated 19.10.2015, they do not oppose the grant of custody parole to the petitioner.

In view of the foregoing, the Jail Superintendent, Tihar, is directed to escort the petitioner in custody to the Pakistan High Commission at New Delhi after fixing an appointment with the concerned consular officer of the Pakistan High Commission at New Delhi.

The petitioner shall be escorted safely to the Pakistan High Commission and returned to the Jail on the same day.

With the above direction the writ petition is disposed of.

A copy of this order be sent to the Jail Superintendent, Tihar, for necessary information and compliance.

A copy of this order be given *dasti* to counsel for the petitioner.

SIDDHARTH MRIDUL, J

MARCH 15, 2016

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