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

+ W.P.(CRL) 948/2016

MOHD. MAJID

..... Petitioner

Through: Mr Nitish Chaudhary, Advocate for
Mr Chetan Lokur, Advocate.

versus

STATE

..... Respondent

Through: Mr Rajesh Mahajan, Addl. Standing
Counsel (Crl.) with SI Surendar Singh,
PS- Bindapur.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

22.03.2016

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The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seeking release of the petitioner on parole in order to enable him to file an SLP before the Supreme Court of India.

The petitioner is aggrieved by the order dated 16.02.2016 whereby his application for grant of parole for filing the SLP was rejected by the competent authority in view of the adverse police report that the convict can jump parole.

A perusal of the reason stated in the order impugned herein reveals that the same is without any cogent material and consequently unsustainable.

A perusal of the nominal roll qua the petitioner reveals that he has undergone over four years incarceration out of the total sentence of life imprisonment. The overall jail conduct of the petitioner has been satisfactory since the inception of the incarceration.

It is trite to state that it is the constitutional right of every convict to prosecute proceedings before a higher court and there are number of judicial pronouncements in which it has been held that every convict is entitled to parole

in order to prosecute proceedings before a higher court.

In view of the foregoing, I see no impediment in allowing the present petition. Consequently, since the petitioner wants to assail the judgment dated 16.10.2014, whereby his appeal being CrI.A.No.528/2014 was dismissed, by preferring an SLP against the said judgment and order, the petitioner is enlarged on parole for a period of four weeks from the date of his release on his furnishing a personal bond in the sum of Rs.5,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent subject to the following conditions:-

- (1) The petitioner shall report to the SHO, Police Station- Bindapur once a week on every Friday during the period of parole.
- (2) He shall furnish his mobile telephone number, which he undertakes to keep operational, to the concerned SHO.
- (3) He shall not leave the National Capital Territory of Delhi without prior permission of the court.
- (4) Lastly, the petitioner shall surrender before the jail authorities at the expiry of the period of parole.

With the above directions the writ petition is allowed and disposed of accordingly.

A copy of this order be sent to the Jail Superintendent to be communicated to the petitioner.

SIDDHARTH MRIDUL, J

MARCH 22, 2016

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