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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 28th March, 2016

+ W.P.(CRL) 984/2016

MANJU

..... Petitioner

Through Ms. Rakhi Dubey, Advocate

versus

STATE

..... Respondent

Through Ms. Richa Kapoor, ASC (Crl.)
SI Jaivir Singh, PS Hauz Khas

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. 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 release the petitioner on parole in view of the circumstance that her son has met with an accident, as a consequence of which he has been bed-ridden for a substantial period of time and requires constant attention.

2. The petitioner additionally wants to institute a Special Leave Petition before the Hon'ble Supreme Court of India and to maintain social ties with the family and society.

3. The petitioner is aggrieved by the order dated 8th December, 2015 whereby her application for grant of parole on the above-stated grounds was rejected by the competent authority for the following reasons:-

“**rejected** in view of adverse police report which states the possibility of enmity towards the victim cannot be ruled out. Possibility of threat to the life of the convict and committing similar offences by convict cannot be ruled out.

The Prison Department has not forwarded the requisite police verification report of SSP/Police Station, Jalesar, Distt. Etah, U.P. Therefore, the residential address of the convict is not verified.

Further, the convict has last availed 02 weeks furlough w.e.f. 27.08.2015 by the order of DG(P).”

4. The reasons ascribed by the competent authority in the order impugned herein are contradictory, without any cogent material and demonstrate a complete non-application of mind. The petitioner (convict), it is stated, constitutes a threat to her own life. It is further stated that the requisite police verification from the concerned police station has not been received. It is lastly stated that the petitioner has availed furlough in the year

2015. In this regard, it is observed that there is no possibility of the petitioner committing similar offence in view of the circumstance that she has been released on furlough earlier and is not stated to have misused the liberty granted to her.

5. The assertion that the petitioner constitutes a threat to herself discloses the lackadaisical manner in which the representation has been dealt with. Lack of verification by the concerned police station is demonstrative of the apathy of the administration and surely the petitioner cannot be visited with the consequences thereof.

6. A perusal of the nominal roll *qua* the petitioner reveals that she has already undergone incarceration for thirteen years and eight months out of the total sentence of life imprisonment awarded to her. The overall jail conduct of the petitioner has been satisfactory since the inception of her incarceration. It is also an admitted position that the petitioner has been enlarged on parole and furlough earlier on numerous occasions and is not stated to have misused the liberty granted to her.

7. In the present case, it has been verified that the son of the petitioner has met with an accident and therefore, requires constant attention.

8. In view of the foregoing, I see no impediment in allowing the present writ petition.

9. Consequently, the petitioner is enlarged on parole for a period of four weeks from the date of her release on her 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:-

- (i) During the period the petitioner remains out on parole, she shall report to the SHO, Police Station- Jalesar, Mohalla Nakta Kuan, Distt. Etah, U.P., once a week on every Thursday.
- (ii) The petitioner shall provide the Jail Superintendent as well as the concerned SHO of the police station with her mobile telephone number which she undertakes to keep operational during the period of parole.
- (iii) She shall not leave the jurisdiction of the concerned police station except to surrender before the Jail Authorities.
- (iv) Lastly, the petitioner shall surrender before the jail authorities at the expiry of the period of parole.

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

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

SIDDHARTH MRIDUL, J

MARCH 28, 2016

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