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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 04.05.2016

W.P.(CRL) 1194/2016

MUJIB

..... Petitioner

Through: Mr. Puneet Singhal, Advocate

versus

STATE

..... Respondent

Through: Ms. Nandita Rao, ASC (Criminal)
with Ms. Srilina Roy and Ms. Neha
Dhir, Advocates

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 (Cr.P.C.) praying for a direction to the official respondent to release the petitioner on parole in order to enable him to engage counsel; arrange funds for filing of SLP before the Hon'ble Supreme Court of India and to re-establish social ties with the family and the society.

2. The petitioner is aggrieved by the order dated 22.02.2016 whereby his representation for grant of parole on the above stated grounds was rejected by the Competent Authority for the following reasons:-

“.... ..rejected in view of the following:-

- (i) Adverse police report of Delhi which states that there is likely impact on the victim/witness. The possibility of jumping the parole by convict can not be ruled out.
- (ii) In the absence of requisite police verification report regarding verification of address and ground taken by the convict has not yet been received from concerned police authorities of his native place i.e. from SP Ghaziabad and SHO PS Loni, despite several requests.

Further, the convict, if desires, can file SLP from Jail itself where free legal aid is available to petitioners. The convict may be informed accordingly.”

3. Upon verification, a status report has been filed on behalf of the official respondent. The same is taken on record. A perusal of the same reveals that an enquiry was conducted by the concerned Police Station in order to verify the addresses furnished by the petitioner and the places where he would be available, if and when released on parole. In this behalf, the status report reads as under:-

“1. Romance factory, Ganda Nala, Johripur, Delhi
Police visited at the given factory but the Manager in the above factory told that there is not any person namely Mujib @ Karan residing or working in our factory, statement is enclosed.

2. H.N.166, Purvi Mustafabad, Loni, Ghaziabad, U.P.
Police visited at the given place but there is not any house number or address as given in the petition, statement of municipality member is attached.”

4. Upon a query from the Court with regard to the correct address where the petitioner would reside, in the event this Court enlarges him on parole,

the counsel expresses inability to furnish a correct address on account of lack of instructions from the petitioner in this behalf despite an interview conducted over video conferencing.

5. In view of the aforesaid, since the petitioner has been unable to furnish an address where he would be available during the period of parole, if enlarged, the prayer sought in the present petition cannot be sustained.

6. The petition is accordingly dismissed.

MAY 04, 2016
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SIDDHARTH MRIDUL, J

