

#45

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 22.04.2016

W.P.(CRL) 1199/2016

MUKESH

..... Petitioner

Through: Counsel (appearance not given)

versus

STATE

..... Respondent

Through: Ms. Kamna Vohra, ASC (Criminal)
with SI Sant Ram Bhardwaj, PS-
Chhawla

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, 1972 (Cr.P.C.) praying for a direction to the official respondent to release the petitioner on parole in order to enable him to reunite the social ties with family and society and to institute an SLP before the Hon'ble Supreme Court of India.

2. The petitioner is aggrieved by the order dated 28.12.2015 whereby his representation for parole on the above grounds was rejected by the competent authority for the following reasons:-

“.... Not agreed to in view of the following :-

- (i) As per Para 11.2 of the parole/furlough guidelines, the convict is not eligible for release on parole which provides that he conduct in prison must have been uniformly good. As the convict has been punished on 05.08.15 and the Jail Superintendent has not recommended the parole of the convict.
- (ii) As per Para 11.4 of Parole/Furlough Guidelines which provides that “the convict should not have violated any terms and conditions of the parole granted previously” as convict. Jumped the parole w.e.f. 28.01.15 to 07.04.2015.
- (iii) Adverse police report which states that the convict may disturb the law & order in the society if released on parole. The convict may commit the similar offences.

The convict has last availed one month parole w.e.f. 28.01.15 to 01.03.15 by the order of DHC.

Further, the convict if desire so, he can file SLP from the jail itself, where free legal aid is available to the prisoners.”

3. A perusal of the nominal roll qua the petitioner reveals that his conduct has been far from satisfactory, inasmuch as, he has jumped parole in the year 2015 apart from the circumstance that there are 12 other cases currently pending against him.

4. In view of the aforesaid, the present petition is devoid of merit and is accordingly dismissed. However, the petitioner may approach the Legal Services Authority to assist him in instituting an Special Leave Petition before the Supreme Court of India, if so advised.

5. A copy of this order be sent to the Superintendent, Central Jail, Tihar for communication of the same to the petitioner.

APRIL 22, 2016
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SIDDHARTH MRIDUL, J

