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

+ LPA 476/2016

HEM SINGH @ HEMU Appellant
Through: Ms. Neha Kapoor, Adv.

Versus

STATE OF NCT OF DELHI Respondent
Through: None.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

% **ORDER**
26.08.2016

CM No.31021/2016 (*exemption*)

Allowed, subject to all just exceptions.

LPA No.476/2016

1. The petitioner in W.P.(Crl.) No.2319/2016 is the appellant before us. The said writ petition was filed for grant of parole to the writ petitioner who was convicted for life imprisonment in FIR No.302/97 under Section 302 and Section 34 of IPC, P.S. Trilok Puri.
2. By the order under appeal dated 08.08.2016, the learned Single Judge adjourned the matter to 13.09.2016 to enable the respondent to file its response.
3. Assailing the said order, the present appeal came to be filed contending *inter alia* that having regard to the fact that the appellant/writ

petitioner sought grant of parole on health grounds, the learned Single Judge ought to have decided the matter at the earliest and the adjournment of the petition by more than four weeks is unwarranted.

4. In our considered opinion, the same cannot be a justifiable ground to entertain the Letters Patent Appeal. Even assuming that the plea of the appellant that he needs immediate medical treatment is true, nothing precludes him to make a request before the learned Single Judge to advance the hearing. It is understandable as to why the petitioner has chosen to prefer the appeal without making an appropriate application before the learned Single Judge for the relief prayed for.

5. We, therefore, dispose of the appeal granting leave and liberty to the appellant to file an appropriate application for advancing the hearing in W.P.(Crl.) No.2319/2016, in which event, the same may be considered by the learned Single Judge in accordance with law.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

AUGUST 26, 2016
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