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

+ **W.P.(CRL) 2630/2016**

ANAND PRAKASH

..... Petitioner

Through: Mr. M.L. Yadav, Advocate

versus

STATE

..... Respondent

Through: Mr. Sanjay Lao, ASC with Insp Gian
Chand, PS Welcome

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
08.09.2016

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Issue notice. Notice is accepted on behalf of the State.

The petitioner has preferred the present petition to assail the order dated 05.08.2016 passed by the respondent rejecting the petitioner's application to seek parole. The petitioner also seeks a writ of mandamus directing the respondent to release the petitioner on parole for a period of three months for the purpose of filing Special Leave Petition before the Supreme Court.

The nominal roll discloses that the petitioner has been convicted for the offences under Section 302/342/323/34 IPC. The petitioner is undergoing life sentence along with fine. The criminal appeal preferred

before this court was dismissed on 19.10.2015. Despite the dismissal of the appeal by this court on 19.10.2015, the appellant did not surrender till 04.05.2016. The nominal roll shows that he has undergone only 3 months and 14 days incarceration after surrender. The total sentence undergone by him is only 8 months and 25 days. The petitioner had more than sufficient time available to prefer the Special Leave Petition after the dismissal of his appeal by this court on 19.10.2015 and before he surrendered on 04.05.2016.

The petitioner is, therefore, not entitled to parole at this stage. If he so desires, he could prefer the Special Leave Petition through jail as well. In case the petitioner wishes to engage a private counsel, the counsel shall be provided access by the jail authorities to hold consultation with the petitioner.

Petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

SEPTEMBER 08, 2016

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