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

+ W.P.(CRL) 3137/2016

SUNIL NAYAK @ FUNDI

..... Petitioner

Through: Mr. Hemendra Jailiya & Mr. Gurpreet
Singh, Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Nandita Rao, ASC and
Ms.Srilina Roy, Advocate along with
SI Sachin Vrma, PS-Sarai Rohilla, for
the State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
07.12.2016

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Report has been received from the Jail Superintendent, Central Jail No.1. According to this report, the petitioner was punished on 12.08.2016 on account of the fact that he exceeded the visitation duration by 1½ hours, and despite repeated intervention, he refused to budge and continued his *Mulaakaat* with his wife. He also misbehaved with the Officer on Duty, who tried to intervene. The jail authorities have taken a lenient view of the matter and not proceeded under Section 45 (1) of the Prisons Act. He has been let off by giving a punishment ticket to him.

In view of the aforesaid, since the last punishment inflicted upon the petitioner is of 12.08.2016, I am not inclined to grant parole to the petitioner at this stage. I may also observe that the petitioner, when earlier released on parole in 2010, had jumped parole and was re-arrested on 27.06.2013 in another case.

Learned counsel for the petitioner has submitted that the wife of the petitioner has to undergo examination and surgery on 10.12.2016 at Dr. Ram Manohar Lohiya Hospital, for which his presence is necessary to provide his consent.

Let the petitioner be produced in custody at Dr. Ram Manohar Lohiya Hospital, New Delhi on 10.12.2016 between 09:00 a.m. to 05:00 p.m., or such period during which his wife has to undergo the procedure. It shall be open to the petitioner to apply for parole once the period of six months from the date of infliction of the jail punishment is over, provided he satisfies all the requirements under the law.

VIPIN SANGHI, J

DECEMBER 07, 2016

B.S. Rohella