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

+ **W.P.(CRL) 2761/2015**

ASHOK KUMAR YADAV

..... Petitioner

Through: **Mr.R.D.Rana, Advocate**

versus

THE STATE (NCT OF DELHI) & ORS

..... Respondents

Through: **Ms.Nandita Rao, A.S.C. for the State**

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **30.03.2016**

1. By way of this writ petition filed under Article 226 of the Constitution of India read with Section 482 of Cr.P.C., petitioner has made the following prayer:-

(i) To issue direction to the respondents to refer the case of the petitioner to the Sentence Review Board for remission of his sentence in case FIR No.286/90 registered u/s 302 IPC and Section 5 of TADA at PS Jahangir Puri, Delhi as he had already undergone nearly 19 and half years in custody or in alternative release the petitioner on parole during the pendency of the writ petition.

2. Status report has already been filed by the State.

3. The appellant has been awarded life imprisonment for the offence punishable under Section 302 IPC read with Section 5 of TADA in case FIR No. 286/90.

4. In Column No.19 of the nominal roll, it is mentioned that the petitioner was released from jail on 17th August, 2002 for four weeks parole in case FIR No.286/90 but he failed to surrender on 15th September, 2002 and hence absconded. Thereafter, he was arrested in another case on 3rd March, 2008.
5. The petitioner was also sentenced life imprisonment in another case being FIR No. 393/2007 which was registered under Section 364-A/368/344/347/120-B/34 IPC at PS Ashok Nagar.
6. A perusal of the nominal roll of the petitioner also reveals that his overall jail conduct to be unsatisfactory as he has been awarded three punishments dated 5th February, 2009, 18th July, 2012 and 18th January, 2013.
7. As there is apprehension of the petitioner jumping parole, request declined.
8. This writ petition is, therefore, dismissed.
9. Petitioner be informed through the concerned Jail Superintendent about the orders passed.

PRATIBHA RANI, J.

MARCH 30, 2016

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