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

+ W.P.(CRL) 2862/2015

SITA RAM

..... Petitioner

Through: Mr.K.Singhal, Advocate.

versus

STATE

..... Respondent

Through: Mr. Rajesh Mahajan, A.S.C. for the
State with SI Sandeep Kumar, PS
Ashok Vihar.

AND

+ W.P.(CRL) 2866/2015

AZAD @ PATIA

..... Petitioner

Through: Mr.S.B.Dandapani, Advocate.

versus

STATE

..... Respondent

Through: Ms.Richa Kapoor, A.S.C. for the
State with SI Sandeep Kumar, PS
Ashok Vihar.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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05.02.2016

1. These two petitions have been filed by the petitioners from Jail praying for grant of parole to enable them to file SLP before the Hon'ble Supreme Court and to maintain social ties.

2. On behalf of petitioners, it has been submitted that the representations made by the petitioners to the Government of NCT of Delhi praying for grant of parole to enable them to file SLP before the Supreme Court have been rejected by the competent authority and the copy of the rejection orders

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have been placed on record.

3. Learned counsel for the Petitioners has further submitted that in terms of Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi, it is open to the Government to consider the applications for grant of parole inter alia on various grounds which also includes the ground of filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be. The petitioners are seeking parole for filing SLP before the Supreme Court which is covered by ground 9.7, therefore, the petitioners may be granted parole for the said purpose. The said guideline reads as under:-

"9.7 To pursue the filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be."

4. On behalf of the State, it has been submitted by learned Addl. Standing Counsel that the petitioners before this Court have been convicted in case FIR No.330/2009 under Section 302/34 IPC, PS Ashok Vihar. Learned ASC for the State has further submitted that as per Clause 13 of Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi, if there are more than one convict in a case who are lodged in the same prison, the co-accused convicts would not be released simultaneously. He has further submitted that since the petitioners are co-convicts in case FIR No.330/2009 under Section 302/34 IPC, PS Ashok Vihar, they cannot be released on parole simultaneously, hence appropriate orders may be passed keeping in view the Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi.

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5. Nominal roll of the Petitioners are available on record, perusal of which shows that the conduct of the Petitioners, during the period of incarceration, has been 'Satisfactory'.

6. Considering the facts and circumstances of the case and the fact that the Petitioners are seeking parole for the purpose of filing SLP before the Supreme Court, which is permissible under the guidelines, the prayer for grant of parole is allowed to the extent that the Petitioners are granted parole for a period of four weeks from the date of their release to enable them to file SLP in the Hon'ble Supreme Court, on their each furnishing personal bond in the sum of Rs.10,000/- with one surety each of the like amount to the satisfaction of the concerned Jail Superintendent and subject to the following conditions:-

(i) Since the petitioners are being granted parole for the twin purpose of filling SLP before the Hon'ble Supreme Court and re-establishing social ties and they are permanent residents of Uttar Pradesh, as mentioned in their nominal roll, the Petitioners shall keep the concerned Jail superintendent as well as SHO/Duty Officer, P.S. Ashok Vihar, Delhi informed about their place of residence in Delhi as well as in their native town and their contact numbers i.e. mobile, landline or both.

(ii) The petitioners shall also inform the concerned Jail Superintendent as well as SHO/Duty Officer, P.S. Ashok Vihar, Delhi as to the period for which period they shall be staying in their native towns and for which period they shall be staying in Delhi for purpose of filing the SLP before the Supreme Court.

(iii) The Petitioners shall report on every Monday at 11 AM to the Duty Officer of the concerned Police Station/Police Post under the jurisdiction of
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which, the Petitioners shall stay during the period of parole in their native town.

(iv) The Petitioners shall submit proof of filing of the Special Leave Petition to the SHO, P.S. Ashok Vihar, Delhi with the name of counsel who filed the SLP.

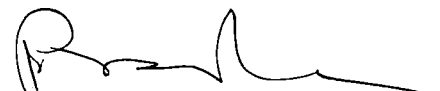
7. **The Jail Superintendent concerned is directed to ensure that the present Petitioners, who are co-convicts in case FIR No.330/2009 under Section 302/34 IPC, PS Ashok Vihar, are not released on parole during the same period of time.**

8. It is, however, made clear that on expiry of the parole period, the Petitioners shall surrender before the concerned Jail Superintendent, who shall submit the surrender report to this Court along with the particulars of the SLP filed by the Petitioners before the Supreme Court.

9. Writ Petition stands allowed in the above terms.

10. The Petitioner be informed through the Jail Superintendent about the order passed.

Order *dasti*.


PRATIBHA RANI, J.

FEBRUARY 05, 2016
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