

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 491/2017**

Date of Decision : May 4th, 2017

VIKRAM @ AMAN Petitioner
Through Mr.Sumeet Verma, Adv. with
Mr.Abhijeet Sharma, Adv.

versus

STATE Respondent
Through Mr.Rajesh Mahajan, Addl.
Standing Counsel (Crl.)
SI Karamvir, PS Narela.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

P.S.TEJI, J

1. The present petition has been filed on behalf of the petitioner under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for issuance of direction, to quash the order dated 02.01.2017 of rejection of parole and to grant the parole for a period of two months on the grounds of engaging a senior counsel for filing SLP before the Hon'ble Supreme Court, for arrangement of funds and to re-unite social ties with family and society.

2. The facts, in brief, are that the petitioner is a convict and presently undergoing ten years rigorous imprisonment awarded by the trial court vide judgment dated 25.05.2015 in FIR No.21/2010,

under Sections 376(2)(g)/363/366 IPC, Police Station Narela. Against the judgment of conviction, the petitioner had preferred an appeal which was dismissed by this Court vide order dated 30.05.2016.

3. Arguments advanced by both the sides were heard and the material placed on record has been dealt with.

4. Argument advanced by the counsel for the petitioner is that the petitioner is required to file SLP before the Hon'ble Supreme Court for which he is seeking parole for a period of two months to engage senior counsel, to arrange funds and to re-unite social ties with his family and society. It is submitted that while on parole, the petitioner would get a fair chance to engage a counsel of his choice to file SLP.

5. Perusal of record shows that the application for the grant of parole was moved by the petitioner from the jail itself on 04.08.2016. After filing the said application, the competent authority sought report from the police authorities. The police authorities reported that the grounds taken by the petitioner in his parole application were not genuine as the father of the petitioner was there to file SLP on his behalf. It was also reported that there could be adverse affect on the victim/witnesses upon petitioner being released on parole apart from a law and order situation. The

parole application of the petitioner was rejected vide order dated 02.01.2017.

6. It is further apparent from the record that the present petition for the grant of parole was filed on 13.01.2017. Admittedly, the limitation prescribed for filing the appeal before the Hon'ble Supreme Court is 90 days. The period of limitation to prefer SLP has already expired. The petitioner has not given any reason for not taking any step to file the SLP against the dismissal of appeal by this Court within the time prescribed.

7. As per record, the present appeal has been filed by the petitioner from the jail itself. The parole application was also filed by the petitioner before the competent authority from the jail itself.

8. In view of the above discussion, it is apparent that the present petition has been filed by the petitioner from the Jail, father of the petitioner is available in the family to prefer SLP on behalf of the petitioner, period of filing the SLP against the order of this court in appeal has already been dismissed and no step has been shown to be taken by the petitioner till the date to file the SLP.

9. In view of the above mentioned facts and circumstances, this Court does not find any ground to grant parole to the petitioner. Consequently, the present petition is dismissed. However, the petitioner would be at liberty to file SLP from the jail itself with

the assistance of Delhi State Legal Services Authority or the Legal Aid provided to the convicts.

10. The present petition is disposed of accordingly.

(P.S.TEJI)
JUDGE

MAY 04, 2017
dd