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

+ W.P.(CRL) 1321/2017

GOMTI @ MANOJ

..... Petitioner

Through Mr. Irshad Siddiqui, Proxy for Mr.
Biswajit Kumar Patra, Adv.
(DHCLSC).

versus

STATE

..... Respondent

Through Mr. Rahul Mehra, Standing counsel
with Mr. Jamal Akhtar, Adv. for
State.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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18.05.2017

The petitioner had represented before the competent authority for being released on parole for re-establishing social ties with the main stream of society as also to reconstruct his house, which was rejected vide order dated 31.03.2017. The bad conduct of the petitioner in jail was cited as the main reason for turning down such request.

Learned counsel for the petitioner has drawn the attention of this Court to the nominal roll which indicates that the petitioner was earlier released on parole by an order of this Court for a period of four weeks w.e.f. 14.11.2014 to 12.12.2014 and that the conduct of the petitioner for the last one year has been satisfactory. No doubt, the petitioner has been punished a number of times for jail offences, the last punishment having been given to

him on 09.12.2015; nonetheless, after the aforesaid punishment, there is no report of the bad conduct of the petitioner.

The petitioner has been convicted under sections 302/394/397/34 of the IPC and has been sentenced to undergo life imprisonment and a fine of Rs.2,000/- and in default of payment of fine, to suffer SI for two months. Out of the aforesaid sentence, he has remained in jail for about more than 12 years.

Mr. Mehra, learned standing counsel submits that apart from the case which has been referred to in which the petitioner is in custody, he has also been convicted in connection with FIR No.118/2011 in which he has been sentenced to suffer RI for 9 years and a fine of Rs.16,000/-.

However, taking into account the fact that the petitioner has remained in jail for more than 12 years, his release on parole for four weeks, earlier, despite having been punished for the jail offence and that his conduct in jail has been satisfactory for the last one year, this Court is inclined to release the petitioner on parole for a period of four weeks.

Let the petitioner be released on parole for a period of four weeks, to be counted from the date of his release, on his furnishing a bond in the sum of Rs.10,000/- with one surety of like amount to the satisfaction of the jail Superintendent.

The petitioner shall be required to follow the conditions listed below:-

- a) The petitioner shall, on his visit to his home town, shall get his presence marked by the SHO of the concerned police station under which his home falls, on every Tuesday of the week at 11:00 a.m.
- b) The petitioner shall surrender on or before the expiry of the said period of parole.

- c) The petitioner shall not engage himself in any unlawful activity.
- d) The petitioner would not leave, under any circumstance, the National Capital Region of Delhi, without prior permission of the SHO of the concerned police station.
- e) He shall furnish his and his surety's mobile telephone numbers to the SHO of the concerned police station so that in case of necessity, he could be tracked and his whereabouts could be ascertained.

In case, the petitioner flouts any one of the conditions, an application could be moved by the SHO for cancellation of his parole and for taking of coercive steps for securing his attendance.

It is also made clear that if the petitioner does not mend his ways in jail and is punished again, it would always be read against him, whenever he would apply for such concessions.

With these observations, the petition is disposed of.

The order be communicated to the Superintendent of the concerned jail for compliance and record.

ASHUTOSH KUMAR, J

MAY 18, 2017
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