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

+ **W.P.(CRL) 1598/2017**

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... Petitioner

Represented by: **Mr.Ashutodh Kaushik with
Ms.Monika Tripathy Pandey,
Advocates**

versus

STATE GNCT OF DELHI

... Respondent

Represented by: **Ms.Nandita Rao, Advocate**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.12.2017

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Aggrieved by the order dated 28th February, 2017 whereby the petitioner's second spell of furlough was recalled by the competent authority the petitioner prefers the present petition. The petitioner has been convicted inter alia for offences punishable under Section 302/364/392/394/201/34 IPC and awarded imprisonment for life. The appeal filed by the petitioner challenging the conviction and order on sentence has been dismissed by this Court on 29th May, 2015.

The petitioner was granted parole for a period of four weeks and one month in the year 2015 and 2016 respectively. Petitioner was further granted a furlough for a period of three weeks on 13th December, 2016. When the petitioner applied for the second spell of furlough in the year 2017, an order was passed on 28th February, 2017 granting him furlough

for two weeks. However, on 9th June, 2017 the said order dated 28th February, 2017 was recalled for the reason on 24th February, 2017, on a surprise check at the lodging place of the petitioner convict, he was found in possession of a pen drive of 32gb. Petitioner was also provided a punishment with stoppage of *Mulakat* facility for one month for this misconduct. Case of the petitioner is that the revocation of the second spell of parole granted to the petitioner vide order dated 9th June, 2017 amounted to double punishment.

Furlough is a reward for good behaviour/conduct in Jail unlike parole which is granted to the convict to meet exigencies of life. In the present case, the petitioner having been awarded a punishment of recovery of a pen drive from his possession, this Court is not inclined to hold that the revocation order was bad in law for the reason after expiry of a period of one year the petitioner would be again entitled to furlough. However, there is serious laxity on the part of the Prisons department. The order granting furlough to the petitioner was passed on 28th February, 2017 on an application of the petitioner dated 10th February, 2017. The surprise check when the petitioner was found in possession of the pen drive was conducted on 24th February, 2017 and thus, was prior to the order dated 28th February, 2017 which ought to have been brought to the notice and considered by the competent authority.

Be that as it may, petition is disposed of granting leave to the petitioner to apply for furlough in terms of the guidelines of the respondent.