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

+ **W.P.(CRL) 3014/2016**

KAMAL KISHORE

..... Petitioner

Through: Mr. Dhan Mohan, Advocate

versus

STATE

..... Respondent

Through: Md. Jamal Akhtar, Advocate for Mr.
Rahul Mehra, ASC with SI Umesh
Rana, PS Adarsh Nagar.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

24.01.2017

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In terms of the last order, Mr. Akhtar has tendered in Court a communication received from the Superintendent, Central Jail, Tihar. Mr. Akhtar submits that the petitioner was convicted and sentenced on 29.05.2013 and, therefore, he has not earned three consecutive annual good conduct remissions. The petitioner was punished on 16.05.2014.

Learned counsel for the petitioner submits that the petitioner has been in judicial custody even as under trial since 12.09.2009 and, therefore, the good conduct remissions earned earlier should also have been taken into consideration. I do not find merit in this submission. The purpose behind the guideline which requires the earning of three annual good conduct

remissions is that at the stage when the convict applies for furlough-which is a remission, he should have consistently earned three annual good conduct remissions preceding the making of such an application and at the time when his application is considered. It cannot be that a convict who may have earned annual good conduct remissions in earlier years can apply for furlough even though he may have thereafter been subjected to punishment under the jail manual proximate to the time when he applies for furlough.

In view of the aforesaid, counsel for the petitioner seeks leave to withdraw the petition. Dismissed as withdrawn.

VIPIN SANGHI, J

JANUARY 24, 2017

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