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

+ W.P.(CRL) 2797/2017

VIDYA DHAR

..... Petitioner

Through Ms.Sonam Gupta, Adv. with
Ms.Manika Khurana and Mr.Anurag Tandon, Adv.

versus

STATE (NCT) OF DELHI

..... Respondent

Through Mr.Rahul Mehra, Standing Counsel
(Criminal) for the State with Mr.Jamal Akhtar,
Adv. along with SI Gyan Prakash, P.S. Tilak
Marg, and Mr.Joginder Singh, from Central Jail
No.2.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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12.10.2017

1. The petitioner has invoked the writ jurisdiction of this Court under Article 226 read with Article 21 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.PC') for extension of his parole granted to him by order dated 18th August, 2017 as modified on 7th September, 2017 and 27th September, 2017.
2. Further status report has been handed over today in the Court by the learned Standing Counsel for the State along with the verification report of medical documents/prescription. The same is taken on record.

3. Learned counsel for the petitioner submits that the petitioner has been under treatment not only from AIIMS Hospital but also from Fortis Hospital in respect of various ailments including neurological problems like acute axonal myopathy and even surgery was prescribed and it was earlier scheduled on 16th November, 2016 but was postponed. She submits that the petitioner is in dire need of physiotherapy which was advised by the Neurology Department of AIIMS to prevent further deterioration of the condition of the petitioner.

4. Per contra, learned Standing Counsel for the State submits that the prescribed treatment of physiotherapy is available in DDU Hospital, Delhi. He further submits that even if required the petitioner can be taken to AIIMS Hospital while in custody for his further management/treatment.

5. Hence, in the circumstances, no case is made out for further extension of the parole to the petitioner.

6. Since the parole is to expire today and it is already 4:15 PM, the petitioner is directed to surrender before the concerned Jail Superintendent by 5:00 PM on 13th October, 2017.

7. At this stage, the learned counsel for the petitioner points out that the petitioner had filed a Special Leave Petition (Crl.) before the Hon'ble Supreme Court but the same has not been listed. This fact was never disclosed by the petitioner either in the writ petition or during the course of the arguments. Learned Standing Counsel submits that they are also not aware of it.

8. In the circumstances, even otherwise when the petitioner had filed Special Leave Petition before the Hon'ble Supreme Court, he should have moved necessary application, if so advised, before the Hon'ble Supreme

Court for the appropriate relief, if any.

9. The petition is disposed of accordingly.

10. *Dasti* under the signatures of the Court Master.

OCTOBER 12, 2017/_{jitender}

VINOD GOEL, J.