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

+ **W.P.(CRL) 3206/2017**

**S K AGGARWAL**

..... Petitioner

Represented by: Mr. Puneet Mittal, Sr. Adv.  
with Ms. Vasudha Bajaj, Adv.

versus

**THE STATE GOVT OF NCT OF DELHI & ORS**

..... Respondent

Represented by: Mr. Jamal Akhtar, proxy Adv.  
for Mr. Rahul Mehra, Standing  
Counsel for State.  
Mr. Nikhil Goel, Mr. Ashutosh  
Ghade, Advs. for CBI.

**CORAM:**  
**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**  
**11.01.2018**

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CrI.M.A. 545/2018

Exemption allowed subject to just exceptions.

CrI.M.A. 544/2018

Notice. Learned proxy counsel for the learned Additional Standing Counsel accepts notice.

By this application the petitioner seeks modification of the order dated 4<sup>th</sup> December, 2017 wherein though the petitioner was directed to be released on parole but subject to the guideline No.13 which provided that co-accused convicts would not be released simultaneously except upon special circumstances.

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Communication from the Superintendent Tihar Jail No.2 dated 10<sup>th</sup> January, 2018 has been brought by Mr. Joginder Singh, Warder from Central Jail No.2. As per the communication the petitioner has been included in the list of seriously sick patients. The petitioner is a case of follow-up case of Type-II Diabetes Mellitus with Hypertension with Coronary Artery Disease with LV Dysfunction (EF 35%) and Chronic Renal Failure (Stage IV) with Multiple Hypoglycemic Episodes with depression. As per the report the general condition of the petitioner is progressively deteriorating.

Though granted parole, the petitioner could not be released only for Clause 13 of the Parole/ Furlough Guidelines 2010 issued by the GNCTD which provided that co-accused convicts should not be released simultaneously except for special circumstances.

Learned counsel for the petitioner informs that initially one more convict J.P. Sharma was granted parole as his daughter was to get married and thereafter one Om Prakash sought parole.

However, in view of the special circumstances i.e. progressively deteriorating condition of the petitioner noted above, this Court deems that this is a case which falls under special circumstances and is thus required to be released on parole in terms of the order dated 4<sup>th</sup> December, 2017 by waiving of the conditions imposed in Paras 14 and 15 of the order. Ordered accordingly.

Application is disposed of. Order dasti.

**MUKTA GUPTA, J.**

**JANUARY 11, 2018 /‘ga’  
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