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

+ **W.P.(CRL) 219/2018**

HANS RAJ

..... Petitioner

Represented by: Ms. Neha Kapoor, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Represented by: Mr. Avi Singh, ASC for the
State.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

10.04.2018

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Crl.M.A. No. 6359/2018

By this application, the petitioner seeks parole on the ground that the petitioner has to arrange funds for construction of house and treatment of the father.

Learned counsel for the petitioner submits that the petitioner vide his application dated 13th November, 2017 had applied for parole to the Govt. of NCT of Delhi on three grounds as mentioned in para 1 of the application as under:-

1. That the applicant humbly request your goodself for grant of parole for a period of 02 months on the following among other grounds namely:-

- i. That provide proper medical treatment, arrange finances for carrying out the operation of his father SH. Nathu Ram aged 73 years who is suffering from various old age ailments and was recently admitted on 18.09.2017 in Kajal Multispecialty Hospital, Circular Road, Meham Gate, Bhiwani-127021, Haryana for retention of*

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Urine. His father has been advised to undergo operation for prostatectomy (Prostate Enlargement). Relevant medical papers are annexed for kind reference.

- ii. To look after and to provide proper medical care and treatment old parents – mother aged 68 years and father Sh. Nathu Ram aged 73 years who are suffering from various old age ailments.*
- iii. To arrange finances and to carry out the repair/construct/renovate his house which has been dilapidated recently and because of which his parents are living with their neighbours at their mercy. Photographs of the house and letter from Gram Panchayat are annexed for kind reference.*

Since no response was received by the petitioner to his application dated 13th November, 2017, the petitioner preferred W.P. (Crl) 219/2018 before this Court on 18th January, 2018 wherein it was categorically stated that no response has been received.

Even after notice it was not clarified to this Court that the application dated 13th November, 2017 filed by the petitioner had been decided. Thus, this Court disposed of W.P. (Crl) 219/2018 on 28th February, 2018 directing the State to dispose the application of the petitioner dated 13th November, 2017 within a period of three weeks and communicate the outcome thereof to the petitioner.

When the present application has come up for hearing today,

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learned ASC for the State has handed over a copy of the

communication dated 27th December, 2017 according to which the application of the petitioner dated 13th November, 2017 has been rejected vide the communication dated 27th December, 2017.

Learned ASC for the State states that this order was informed to the petitioner as well at the relevant and when the writ petition was filed it was within the knowledge of petitioner, which fact is refuted by learned counsel for the petitioner.

Learned counsel for the petitioner also states that though the application dated 13th November, 2017 sought parole inter alia on the ground of treatment of the father and to renovate the house, the communication dated 27th December, 2017 only reads that the competent authority considered the application for grant of parole on the ground to re-establish and maintain social ties with the family and society. Thus the grounds for parole taken by the petitioner were not considered by the competent authority.

Detailed affidavit will be filed by the Deputy Secretary, Home within two weeks indicating whether the grounds taken in the application dated 13th November, 2017 were considered by the competent authority and secondly when was the communication dated 27th December, 2017 informed to the petitioner and his endorsement thereon.

List on 4th May, 2018.

MUKTA GUPTA, J.

**APRIL 10, 2018/‘yo’
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