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

+ W.P.(CRL) 1148/2018

DILSHAD

..... Petitioner

Represented by: Mr. Tahir Ashraf Siddiqui,
Advocate.

versus

STATE

..... Respondent

Represented by: Mr. Avi Singh, Additional
Standing Counsel for State with
SI Omender Kumar, PS
Welcome.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.04.2018

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1. By this petition the petitioner seeks the first spell of furlough and also challenges the communication of the competent authority dated 22nd March, 2018 declining to grant first spell of furlough to the petitioner.
2. Issue notice.
3. Learned Additional Standing Counsel for the State accepts notice.
4. He points out to the nominal roll of the petitioner. As per the nominal roll, the petitioner was convicted for offences punishable under Sections 302/307/449 IPC and Sections 25/27 of the Arms Act. The judgment of conviction and order on sentence passed by the learned Additional Sessions Judge was confirmed by this Court in Crl. Appeal No. 1110/2013 and this Court held that the petitioner would not be considered for remission till he has undergone 25 years of incarceration.

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5. Admittedly, the petitioner has not undergone 25 years of incarceration.
6. The main contention of learned counsel for the petitioner is that the petitioner has already been granted parole twice and thus he is entitled to furlough as well. The distinction between the parole is that it is a remission of sentence for meeting the exigencies of life whereas furlough is a remission granted as reward of good conduct in jail.
7. As noted above the petitioner is not entitled to any remissions till the first 25 years of incarceration and hence this Court by granting furlough cannot indirectly grant the same relief which has been declined by the Court in the order on sentence.
8. Petition is dismissed.
9. Copy of the order be communicated to the petitioner through Superintendent, Tihar Jail.

MUKTA GUPTA, J.

APRIL 18, 2018

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