

\$~39

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

+ **W.P.(CRL) 1417/2018**

ASHISH KUMAR KAPRI

..... Petitioner

Through : Mr.Nitesh Gupta, Advocate.

versus

STATE OF NCT OF DELHI

..... Respondent

Through : Mr.Jamal Akhtar, Counsel for Mr.Rahul Mehra,
Standing Counsel.

SI Dinesh Kumar, PS IGI Airport.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **28.05.2018**

1. Present writ petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. has been preferred by the petitioner for seeking parole for three months. Status report filed.

2. I have heard the learned counsel for the parties and have examined the file. Nominal Roll dated 23.05.2018 reveals that the petitioner was convicted under Sections 376(2)(g)/302/201/394/34 IPC and was sentenced to undergo RI for life with fine ₹3,000/-. CrI.A.90/2002 was disposed of on 10.07.2009. The sentence was modified from death to life imprisonment. Nominal Roll further reveals that the petitioner has already undergone fourteen years and two months incarceration besides remission for three years, three

months and eighteen days as on 23.05.2018. The petitioner was granted parole / furlough several times. Only from 14.12.2017 to 04.01.2018 and 23.02.2018 to 09.03.2018, the petitioner was granted furlough for three weeks and two weeks respectively. Earlier, from 31.07.2017 to 31.08.2017, he was granted parole for one month.

3. Since the petitioner has availed furlough only in the month of March, 2018, the grant of parole on the ground to repair the house in question is unmerited. Grant of parole / furlough cannot be a regular feature. The petitioner could have repaired the house during the period when he was granted furlough.

4. Considering the facts and circumstances of the case, no sufficient ground for grant of parole. The writ petition is dismissed.

S.P.GARG, J

MAY 28, 2018 / tr