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

+ W.P.(CRL) 1912/2018

RUBY BEGUM @ REENA @ SAMINA

..... Petitioner

Through: Mr. Aditya Vikram (DHCLSC) with Mr.
Avinash, Advs.

versus

STATE

..... Respondent

Through: Mr. Rajesh Mahajan, ASC with Ms.
Jyoti Babbar, Adv. for the State.
SI Vikram Singh, P.S. Rajouri Garden.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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02.07.2018

Issue notice. Mr. Rajesh Mahajan, ASC for the State accepts notice for the State.

He has filed a Status Report verifying the address filed by the petitioner as H.No. WZ-240, Tihar Village, Tilak Nagar, Delhi.

The petitioner seeks parole for filing a SLP against her conviction which has been upheld by this Court. The reason for rejection of the parole on 01.05.2018 is that the co-accused - Mr. Rakesh Mehra whom the prosecution alleges to be her husband, is absconding. It is the petitioner's case that the co-accused Mr. Rajesh Mehra is or never was her husband. She has been convicted for life

and has already undergone imprisonment for 7 years and 9 months. The grounds for rejection are unsustainable because the absconding of accused Rakesh Mehra @ Nandu cannot be a reason to deny the appellant her right to pursue an appeal before the Supreme Court against her conviction.

It is stated that she has a married daughter - Mumtaz and two sons aged 16 & 20 years. The latter are barely literate and would not be able to assist a counsel in preparing the SLP to be filed before the Supreme Court. It is the petitioner's case that best person to brief her case would be the petitioner herself since she is acquainted with the facts of the case. Furthermore, filing of a SLP through a counsel provided by the Delhi State Legal Services Authority may not necessarily be of her choice and she has a right to engage a counsel of her choice.

In view of the foregoing, the Court finds no impediment in allowing the present petition. Consequently, the petitioner is enlarged on parole for a period of one month from the date of her release on her furnishing a personal bond in the sum of Rs.15,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent concerned subject to the following conditions:-

- (1) The petitioner shall report to the SHO, concerned Police Station Rajouri Garden, Delhi, once a week on every Tuesday during the period of parole.
- (2) She shall furnish her telephone number, which she undertakes to keep operational at all times, to the SHO concerned.
- (3) She shall not leave the territory of NCT of Delhi.

- (4) The petitioner shall surrender before the jail authorities at the expiry of the period of parole.

With the above directions the writ petition is disposed off.

A copy of this order be given *dasti* to the learned counsel for the parties.

NAJMI WAZIRI, J

JULY 02, 2018/acm