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

+ **W.P.(CRL) 1952/2018**

ASHRAF

..... Petitioner

Represented by: **Ms. Sunita Arora, Adv**

versus

STATE

..... Respondent

Represented by: **Mr. Sanjay Lao, ASC with
Ms. Hemlata, Adv
SI Pushpendra Singh, PS
Chandni Mahal**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

11.09.2018

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By this petition petitioner seeks parole on the ground that he has to re-establish social and family ties and has to file special leave petition (SLP).

A status report has been filed. As per the status report, application of the petitioner seeking parole was rejected on the ground of unsatisfactory conduct of the petitioner in the jail. Further, mother of the petitioner has already expired 11-12 years ago. Mohd. Jahid, brother of petitioner was examined who stated that they were seven brothers namely Ahsraf, i.e., the petitioner, Umar, Amzad, Jahid, Sammi, Faisall and Akbar all of whom are residing at House No. 1182, Gali Hakim Naim Beg Wali, Chandani Mahal, Kucha Faulathan, Kala Mahal, Daryaganj, Delhi. They have three sisters all of whom are married and residing with their families separately.

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A perusal of the nominal roll reveals that Sammi, the other brother of the petitioner was also convicted by the impugned judgment and in appeal, the said judgement was upheld. However, it appears that the sentence of Sammi was suspended during the course of appeal and after the dismissal of appeal, he has not surrendered. Further, petitioner was also declared proclaimed offender when FIR 95/2010 was registered and he could be arrested only on 25th April, 2011 for which reason Section 174A IPC was invoked during the trial.

Though the petitioner has been in custody for now more than seven continuous years, however, in view of the conduct of the petitioner in jail as also the fact that he had been absconding earlier, this Court finds no ground to grant parole to the petitioner. The SLP can be filed by the petitioner through jail taking remedy through legal aid or can be preferred by his other five brothers who are outside.

Petition is dismissed.

This order be communicated to the petitioner through Superintendent, Mandoli Jail.

MUKTA GUPTA, J.

SEPTEMBER 11, 2018
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