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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2988/2018**

SADDAM

..... Petitioner

Through: Mr. Ashim Shridhar, Advocate

versus

STATE

..... Respondent

Through: Mr. Rajesh Mahajan, ASC

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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01.10.2018

CRL.M.A. 33304/2018

Exemption allowed, subject to all just exceptions.

The application stands disposed off.

W.P.(CRL) 2988/2018

The petitioner seeks parole for filing a Special Leave Petition, in exercise of his constitutional right to seek acquittal against the conviction for which he is undergoing incarceration. The learned counsel for the petitioner submits that he has filed an application for parole, which is at page 20 of the petition, before the Jail Authorities on 23.08.2018, and the same has not been adjudicated upon. The petitioner cannot be deprived of his constitutional right to seek acquittal from the highest court of the land. He seeks to engage a counsel of his own choice as well as to arrange monies for the said litigation and to arrange for his family as well.

The petitioner was earlier released on bail during the trial period. Thereafter, when incarcerated, he was released on bail for a month. His address mentioned in the application is the same as when he was earlier

released on bail, he has not misused the said liberty. He has been incarcerated for two years and four months. His jail conduct is stated to be satisfactory.

However, Mr. Rajesh Mahajan, the learned counsel for the State submits that there is no proof that the aforesaid application of the petitioner at page 20 of the petition was ever received by the State.

Be that as it may, since the petition seeks parole for filing a Special Leave Petition, it is allowed and the petitioner is granted parole for a period of four weeks from the date of his release, subject to his furnishing a bail bond for Rs. 10,000/- and a 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 Sonia Vihar, Delhi, once a week on every Tuesday during the period of parole.
- (2) He shall furnish his telephone number to the SHO concerned, which the petitioner shall keep operational at all times
- (3) He 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.

The order be served upon the Jail Superintendent through the Investigating Officer concerned.

NAJMI WAZIRI, J

OCTOBER 01, 2018/rd