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

+ W.P. (CRL.) 3534/2019

BASANT VALLABH Petitioner
Through: Mr Puneet Garg, Advocate.

versus

STATE Respondent
Through: Mr Ranbir Singh Kundu, ASC for
State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **28.05.2020**

[Hearing held through video conferencing]

CRL. M.A. 6875/2020

1. Allowed, subject to all just exceptions.

CRL. M.A. 6874/2020

2. The petitioner has filed the present petition seeking early hearing of the writ petition seeking parole.

3. The above captioned petition was disposed of by an order dated 19.12.2019, whereby the concerned authority was directed to consider the petitioner's application for parole as having been filed after 08.01.2020. This order was passed in the peculiar circumstances as the competent authority had rejected the petitioner's application for parole on the ground that the petitioner had not served imprisonment for a period of one year as a convict. The said period expired on 08.01.2020. Thus, to avoid any further delay, this Court had directed that the petitioner's application be considered as having been filed after 08.01.2020.

4. Since, the competent authority did not comply with the said order, the petitioner filed an application (CrI.M.A.2182/2020), *inter alia*, praying that the petitioner be released on parole in terms of the order dated 19.12.2019.
5. It is once clear that the said application is not maintainable as the order dated 19.12.2019 did not direct that the petitioner be released in parole; it merely directed the competent authority to consider the petitioner's application for parole as having been filed after 08.01.2020.
6. This Court is informed that the competent authority has subsequently passed an order rejecting the petitioner's application for parole on separate grounds. The said order is not on record. However, learned counsel appearing for the petitioner submits that the same would have been passed in February, 2020.
7. In view of the above, the said application (CrI.M.A.2182/2020) is misconceived and is, accordingly, dismissed.
8. The present application (CrI. M.A. 6874/2020) is also misconceived as the above captioned writ petition stood disposed of by an order dated 19.12.2019.
9. In view of the above, the said application is dismissed. The petitioner is at liberty to assail the order passed by the competent authority rejecting his application for parole and nothing stated in this order would preclude the petitioner from doing so.
10. No further orders are required to be passed in this petition.

VIBHU BAKHRU, J

MAY 28, 2020/MK