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

+ W.P.(CRL) 2711/2019

RAM BABU

..... Petitioner

Through: Mr Deepak Anand, Advocate.

versus

STATE

..... Respondent

Through: Ms Richa Kapoor, ASC with Ms
Shivani Sharma and Ms Saloni Jain,
Advocates for State.
SI Raju Yadav, PS Sultan Puri, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.09.2019

1. The petitioner has filed the present petition, *inter alia*, praying that the respondent be directed to release the petitioner on IIIrd spell of furlough of two weeks, on furnishing cash security of a minimum amount, along with the personal bond to the satisfaction of the Superintendent.
2. By the impugned order dated 02.08.2019, the petitioner's application for furlough was rejected on the ground that the petitioner had been punished on 05.08.2017, on account of recovery of a currency note of ₹500/- and loose tobacco from his possession.
3. In terms of Rule 1223(I) of the Delhi Prison Rules, 2018, a prisoner is required to earn rewards in the last three Annual Good Conduct Reports and continue to maintain good conduct, to be eligible for being released on furlough. Since, the petitioner was punished on 05.08.2017, the said criteria

had not been met.

4. The learned counsel appearing for the petitioner states that Rule 1223 was amended with effect from 01.01.2019 and, therefore, will have not have any retrospective operation. The said contention is unpersuasive. All applications filed after the said Rules coming into force are required to be considered in terms of the said Rules.

5. There is no infirmity in the respondent taking into account the petitioner's past conduct for determining whether the furlough should be granted or not.

6. In view of the above, this Court finds no infirmity with the impugned order dated 02.08.2019. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

SEPTEMBER 23, 2019
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