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

+ **W.P.(CRL) 2749/2019**

YOGESH SHARMA @ RAHUL SHARMA Petitioner

Through: Mr Dhan Mohan, Ms Tanu B. Mishra
and Mr Ravi Mishra, Advocates.

versus

STATE Respondent

Through: Ms Kamna Vohra, ASC for State.
Inspct. Bhanu Prakash, PS Kotwali.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **25.09.2019**

CRL.M.A. 36833/2019

1. Allowed, subject to all just exceptions.

W.P.(CRL) 2749/2019

2. The petitioner has filed the present petition, *inter alia*, praying that he be released on the first spell of furlough for the year 2019 in order to maintain social ties, family relations and to combat inner stress.

3. The petitioner's application for furlough has been rejected on the ground that he had not earned last three Annual Good Conduct Reports, as he was awarded a punishment on 01.03.2013, on account of threatening other inmates and demanding a payment of ₹5,000/-.

4. The learned ASC appearing for the State has referred to Rule 1223 (I) of the Delhi Prison Rules, 2018, which expressly provides that in order to obtain furlough, a prisoner must have good conduct in prison and should

have earned rewards in last three annual good conduct reports and further, continues to maintain good conduct. Rule 1223 (I) of the said Rules is set out below: -

“1223. In order to be eligible to obtain furlough, the prisoner must fulfil the following criteria: -

I. Good conduct in the prison and should have earned rewards in last 3 Annual good conduct report and continues to maintain good conduct.

II. XXXX

III. XXXX”

5. Since the said criteria has not been met, this Court finds no infirmity with the order dated 10.07.2019 rejecting the petitioner’s application for grant of furlough.

6. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

SEPTEMBER 25, 2019

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