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

+ **W.P.(CRL) 104/2019 & CrI. M.A. No.741/2019**

SALIM HUSSAIN

..... Petitioner

Through: Mr. Akshay Bhandari, Advocate.

Versus

STATE

..... Respondent

Through: Mr. Rahul Mehra, Standing Counsel for
State with Mr. Jamal Akhtar, Advocate and
SI Vikram Singh, P.S. Greater Kailash.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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15.01.2019

CrI. M.A. No.741/2019 (for exemption)

Allowed, subject to all just exceptions.

The application stands disposed-off.

W.P.(CRL) 104/2019

Issue notice.

Mr. Rahul Mehra, the learned Additional Standing Counsel accepts
notice on behalf of the State.

At joint request, the petition is taken up for disposal.

The petitioner had applied for his third parole in the previous
conviction year, however, it was granted to him just two days before the
expiry of the said year. In effect, the furlough granted spilt-over to the
present conviction year, which started from 13th December, 2018.

The learned counsel for the petitioner submits that this reprieve, had it been granted to the petitioner in the previous conviction year, would have been so enjoyed and the fact that there was a delay in the reprieve being given to him, it should not come in the way of such furloughs, as may be permissible and available to him in the current conviction year.

The Court is persuaded by the aforesaid argument.

In the circumstances, the petitioner's third furlough, which started from 10th to 24th December, 2018, shall not be counted for the current conviction year.

Mr. Rahul Mehra, the learned Standing Counsel for the State submits that the latest Delhi Prison Rules, 2018 have been notified, which incorporate the Furlough and Parole Guidelines and the same are in effect from 1st January, 2019 and grant of furlough would now be covered under the said Rules.

The petition stands disposed-off in terms of the above.

A copy of this order be sent to the Jail Superintendent concerned, through the police and a copy be given *dasti* to the learned counsel for the parties under signature of the Court Master.

NAJMI WAZIRI, J.

JANUARY 15, 2019

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