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

+ W.P.(CRL) 582/2019

SUNIL KUMAR

..... Petitioner

Through: Mr. Biramjit Kumar Patra, Advocate.

versus

STATE

..... Respondent

Through: Mr. Jamal Akhtar and Mr. Amanpreet Singh,
Advocates for Mr. Rahul Mehra, Senior
Standing Counsel (Crl.) with SI Rahul, PS-
Anand Parbat.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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20.03.2019

Present writ petition has been filed under Section 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure seeking quashing of order dated 09.01.2019 and directing the respondent to release the petitioner on furlough for a period of three weeks.

Status report has been filed on behalf of State today in Court. Same is taken on record.

Learned counsel for the State vehemently opposes the present writ petition and submits that the petitioner does not fulfil the criteria to release on furlough, as laid down in Delhi Prison Rules, 2018. Learned counsel has drawn the attention of this Court to Rule 1224 (iii) of Delhi Prison Rules, 2018, which reads as under :

“Prisoners who are considered dangerous or have been involved in serious prison violence like assault, outbreak

of riot, mutiny or escape, or rearrested who absconded while released on parole or furlough or who have been found to be instigating serious violation of prison discipline as per the reports in his/her annual good conduct report.

Heard.

Perusal of the record shows that the petitioner is undergoing life imprisonment in case FIR No. 198/1992 under Section 302/376/377/364/304-II/34 of the Indian Penal Code registered at Police Station – Anand Parvat.

As per Rule 1223 of Delhi Prison Rules, 2018, a prisoner must earn 3 Annual Good Conduct report to obtain furlough. In the instant case, the petitioner fails to fulfil the said criteria as he jumped the period of furlough by six days, granted to him on previous occasion.

Keeping in view the facts and circumstances of the present case, I do not find any ground to grant furlough to the petitioner.

Accordingly, the present writ petition stands dismissed.

SANGITA DHINGRA SEHGAL, J

MARCH 20, 2019

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