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

+ **W.P.(CRL) 2706/2018**

MOHD RAJA

..... Petitioner

Represented by: Counsel (appearance not given)

versus

STATE

..... Respondent

Represented by: Ms. Kamna Vohra, ASC with Insp.
M.S. Kamal PS Paharganj.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

23.01.2019

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By this petition the petitioner seeks parole on the ground that he has to file a special leave petition and also challenges the communication dated 23rd July, 2018 whereby his application seeking parole was dismissed on the ground that the petitioner had committed a serious offence and had spent nearly 4 years 5 months out of the life imprisonment awarded. The petitioner along with the co-accused is involved in a case of rape of a foreign national.

As per the status report filed, the family of the petitioner comprising of his wife and two children was found residing with the petitioner's mother-in-law and brother-in-law. As far as background of the petitioner is concerned, the brother-in-law of the petitioner states that petitioner had

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come to New Delhi Railway Station from Mumbai in his childhood and was residing as vagabond.

Considering the fact that the wife and children of the petitioner are residing with the wife's mother and brother, who are taking care of them and there are no enough finances even for them and are not in a position to spend the money for engaging a private lawyer for the petitioner, this Court finds no ground to grant parole to the petitioner for filing the special leave petition before the Hon'ble Supreme Court. The petitioner would be at liberty to take the remedy of filing a special leave petition through legal aid provided in the jail.

Petition is dismissed.

Copy of this order be communicated to the petitioner through Superintendent Mandoli Jail.

MUKTA GUPTA, J.

JANUARY 23, 2019
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