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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL.) 39/2020

BHARAT KUMAR @ MANOJ @ MANNU Petitioner

Through: Mr.Adit S. Pujari, Advocate from
DHCLSC.

versus

STATE

..... Respondent

Through: Mr. Ranbir S.Kundu, ASC.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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29.04.2020

The hearing has been conducted through Video Conferencing.

CRL.M.A. /2020 (To be numbered)

Exemption allowed, subject to the condition that petitioner will file the duly sworn/attested affidavit and the requisite Court fee within 72 hours from the date of resumption of the regular functioning of this Court.

The application stands disposed of.

CRL.M.A.5970/2020

For the reasons explained in the application, the early hearing of W.P.(CRL.) 39/2020 is allowed.

The application stands disposed of.

W.P.(CRL.) 39/2020

This petition is filed by petitioner for issuance of a Writ of Certiorari for quashing of the impugned order dated 28.11.2019 passed by the competent authority whereby his application for parole was rejected, primarily on the ground Rule 1211 of the Delhi Prison

Rule 1211 has been amended and brought into force with effect from 01.01.2019. The impugned order notes:-

“Further, Rule 1211 of Delhi Prison Rule – 2018, states that in the following cases ‘ parole shall not be granted, except, if in the discretion of the competent authority special circumstances exist for grant of parole;

(IV) If the prisoner is convicted of murder after rape. In this case as per crime detail forwarded by the concerned Superintendent Jail, the convict was found guilty for committing kidnapping, rape and murder and that no special circumstances exist for grant of parole.”

Though, it is argued by the learned counsel for petitioner the petitioner was granted parole on three earlier occasions for similar reasons viz. *re-establishing and maintaining social ties* vide orders dated 08.09.2015, 19.09.2017 and on 20.12.2018, but learned APP for State says the abovesaid orders were passed prior to the amendment to Rule 1211 (*supra*) and now per such rule, every such convict has to disclose *special circumstances* for grant of parole. No such exceptional circumstances is urged in this petition. The petition stands dismissed.

The petitioner be intimated of this order through the Jail Superintendent.

YOGESH KHANNA, J.

APRIL 29, 2020

DV/M