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

+ W.P. (CRL.) 795/2020 & CRL.M.A. 6175/2020 (for exemption from filing duly affirmed affidavit, certified copy, original documents etc. and undertaking to pay the court fee)

RAJINDER alias JINDER Petitioner
Through: Mr. Siddharth Yadav, Adv.

versus

STATE (NCT OF DELHI) Respondent
Through: Mr. Rahul Mehra, Standing Counsel
with Mr. Chaitnya Gosain, Adv.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
08.05.2020

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1. The present petition has been taken up for hearing through video conferencing.
2. Vide the present petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C., the petitioner who is undergoing life imprisonment upon being convicted vide judgment dated 28.02.2017 passed by the learned Additional Sessions Judge, is seeking parole for a period of 90 days.
3. Learned counsel for the petitioner submits that the petitioner is a chronic diabetic patient and one of his legs was recently amputated necessitating implant of a prosthetic foot. He submits that due to the ongoing pandemic of COVID-19, when the petitioner is not likely to

receive necessary medical treatment in the jail, there is every likelihood that the condition of his second leg will also worsen in the near future and therefore prays that the petitioner be granted parole for a period of 90 days.

4. Mr.Rahul Mehra, Standing Counsel, who appears on advance notice for the respondent/State, vehemently opposes the petition and submits that the same is not maintainable as the petitioner has admittedly neither approached the competent authority seeking parole on medical grounds nor has filed any document in support of his aforesaid claim. He submits that, in fact, as recently as on 13.04.2020, the petitioner was, in W.P.(Crl.) 781/2020, granted parole by this Court for three days i.e. from 21 to 23rd April, 2020 to attend to the last rites of his brother, who was a co-convict and expired on 07.04.2020, when he took no such plea of his medical ground.

5. In these circumstances, learned counsel for the petitioner seeks leave to withdraw the present petition with liberty to approach the competent authority along with supporting medical documents, if so advised.

6. The petition is dismissed as withdrawn along with the pending application with liberty as noted hereinabove.

7. The order be uploaded on the website forthwith. A copy of the order be also forwarded to the learned counsel through email.

REKHA PALLI, J

MAY 08, 2020

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