

via Video-conferencing

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

+ **W.P. (CRL.) 970/2020**

PRADEEP DABAS

.....Petitioner

Through : **Mr. L.S. Saini, Advocate.**

versus

THE STATE (NCT DELHI)

..... Respondent

Through : **Mr. Rahul Mehra, SSC
(Criminal) for GNCTD.**

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% 17.07.2020

Nominal roll dated 25.06.2020 has been received from the Jail Superintendent.

2. A communication dated 17.07.2020 from the competent authority, rejecting the petitioner's parole application, has also been forwarded by e-mail. Let the communication be filed on record.

3. Status report dated 25.06.2020 is also stated to have been filed ; but is not on record. Let the status report be brought on record.

4. On being queried, Mr. L.S. Saini, learned counsel for the petitioner confirms that the petitioner has filed a special leave petition bearing SLP No. 7639/2019 before the Supreme Court, impugning the dismissal of the criminal appeal by this court, which SLP is pending

before the Supreme Court. Mr. Saini also confirms that there is an application seeking suspension of sentence pending in the SLP.

5. The issue whether parole can be granted to a convict whose appeal is pending before the Supreme Court, has been answered recently *vidé* judgment dated 07.07.2020 in W.P. (C) No. 871/2020 titled ***Basant Vallabh vs. State*** by a learned single Judge of this court. Relying upon earlier judgments, the single Judge has held that once an appeal is pending, the State cannot entertain a parole application; and further that Rule 1209 of the Delhi Prison Rules 2018 is in consonance with this position.

6. Accordingly, a writ petition seeking parole would also not lie, when an appeal is already pending before the Supreme Court in which suspension of sentence may be sought.

7. In this view of the matter, Mr. Saini seeks to withdraw the present petition.

8. Accordingly, the petition is dismissed as withdrawn.

9. Other pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J.

JULY 17, 2020

j