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via Video-conferencing

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

+ W.P.(CRL.) 1014/2020 & CRL. M.A. No. 8733/2020

RAJENDER @ KALU

.....Petitioner
Through : Ms. Sushma Sharma,
Advocate.

versus

STATE OF THE NCT OF DELHI

..... Respondent
Through : Ms. Neelam Sharma,
APP for State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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06.07.2020

The petitioner, who is a convict serving life sentence in a case arising from FIR No. 223/2010 registered under sections 392/307/302/120B/34 IPC at PS : Maurya Enclave, seeks parole.

2. Ms. Sushma Sharma, learned counsel for the petitioner submits that the petitioner has already undergone more than 10 years of sentence, without remission ; that his conduct in prison has been 'satisfactory' for the last one year ; and that the petitioner was orally informed that his parole petition was declined by the Jail Administration since there is another case pending against him, being case FIR No. 107/2018 registered under sections 324/308/34 IPC and section 40(A) of the Delhi Excise Act at PS : Connaught Place, New Delhi. Ms. Sharma however submits that the petitioner had availed

parole in the year 2018 and did not misuse the liberty granted and surrendered on time.

3. Issue notice.

4. Mr. Sanjay Lao, learned Additional Standing Counsel appears for the State on advance copy ; and accepts notice.

5. Mr. Lao points-out that, as is evident from status report dated 17.06.2020 filed in the matter, while the petitioner was on parole from 11.09.2018 to 11.10.2018, he was arrested on 24.09.2018 in the other case bearing FIR No. 107/2018 under sections 324/308/34 IPC registered at PS : Connaught Place, New Delhi, which was a serious violation of the terms of the parole granted.

6. Besides, Mr. Lao also points-out that, as recited in the status report, the petitioner's jail conduct has been 'unsatisfactory' and punishments dated 03.10.2015, 21.10.2015, 22.10.2015, 11.12.2015, 15.07.2016, 16.08.2016, 04.01.2017, 26.02.2017, 07.03.2018 and 11.01.2019 have been awarded to him from time-to-time.

7. Most importantly, it is noticed that the petitioner had moved a petition seeking parole, being W.P.(Crl.) No. 907/2020 which was dismissed as withdrawn *vidé* order dated 18.06.2020 with the following observations :

“1. Ms Vohra, learned APP for the State states that the petitioner's application for parole had been rejected as his conduct in the jail was not satisfactory in the past two years. She states that the petitioner is being imposed a major punishment on 11.01.2019 and in terms of the Rule the prisoner's conduct is required to be satisfactory for two years in case the major punishment has been imposed on him.

2. In view of the above, the learned counsel appearing for the petitioner seeks to withdraw the present petition with liberty to re-apply for parole after 11.01.2021.

3. The petition is dismissed as withdrawn with the aforesaid liberty.”

(Emphasis supplied)

8. From order dated 18.06.2020 it is clear that the petitioner withdrew the earlier petition with liberty to re-apply for parole after 11.01.2021.

9. Accordingly, the present petition is not maintainable and is dismissed as such.

10. Pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J.

JULY 06, 2020

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