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

+ **W.P.(CRL) 1238/2020**

SHANKAR @ DEVI SINGH

..... Petitioner

Through Mr Sharad Malhotra, Advocate.

versus

THE STATE

..... Respondent

Through Mr R.S. Kundu, ASC for State.

W/SI Nidhi Yadav, Belt No. D-2857,

PIS No. 16180022 PS Anand Vihar

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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14.08.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, praying that he be granted emergency parole for a period of eight weeks on the ground that he apprehends the spread of Covid-19 in the jail premises.
2. The petitioner's application for parole was rejected by an order dated 24.06.2020 referring to Rule 1211 of the Delhi Prison Rules, 2018
3. In terms of Rule 1211 of the Delhi Prison Rules, 2018, parole would not be granted, except, if in the discretion of the competent authority special circumstances exist for grant of parole.
4. In the present case, the petitioner has been convicted for an offence punishable under Section 376(2)(F)(1) of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). It

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was established that he had raped his minor daughter. He has been sentenced to undergo life imprisonment.

5. In terms of Rule 1211 (VII) of the Delhi Prison Rules, 2018, a person who is convicted under the POCSO Act is not entitled to be granted parole, unless in the discretion of the Competent Authority, special circumstances exist.

6. In view of the above, the decision of the Competent Authority to reject the petitioner's application for parole cannot be faulted.

7. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

AUGUST 14, 2020

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