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

+ **W.P.(CRL) 1866/2023**

RAKESH KUMAR

..... Petitioner

Through: **Mr. Akshay Bhandari, Adv. (VC)**

versus

STATE GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: **Mr. Yasir Rauf Ansari, ASC with Mr. Adeeb-Ul-Hsan and Mr. Alok Sharma, Advs. with SI Avanish Kumar, PS Jagatpuri, Delhi.**

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Date of Decision: 10th July, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 17278/2023 (exemption)

Exemption is allowed subject to all just exceptions.

W.P.(CRL) 1866/2023

1. The present writ petition has been filed under Article 226 of the Constitution of India read with section 482 Cr.P.C. seeking the following prayer:

“a. Extend the parole granted to the petitioner for period of 6 months in Execution Case No. 50/2011 rising out of 231/1998 from the District Consumer Forum, Tis Hazari Courts Delhi.”



2. Learned counsel for the petitioner submits that after the parole was rejected by the competent authority, the petitioner filed W.P. (CRL) 2577/2019 in which vide order dated 13.09.2019, the petitioner was released on parole for a period of 30 days on his furnishing a personal bond of Rs.20,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent.
3. Learned counsel for the petitioner submits that thereafter, the parole was extended from time to time by the Co-ordinate Bench of this Court in W.P. (CRL) No. 649/2023 and W.P. (CRL) 579/2021. Learned counsel for the petitioner submits that the present case is peculiar in nature whereby the sentence awarded by the Consumer Forum if taken cumulatively is 182 years. Learned counsel for the petitioner submits that the Co-ordinate Bench of this Court has been taking into account the consideration that the petitioner is making efforts to settle the matter.
4. On advance notice, Sh. V. K. Tandon, has appeared on behalf of the respondent No.2 who is the President of the Triputi Township Plot Holder Association. Sh. V. K. Tandon states that since the petitioner is making efforts for settling the matter, his parole may be extended.
5. Learned counsel for the petitioner submits that the orders of the Co-ordinate Bench of this Court would reveal that the petitioner has made sincere efforts to receive enhanced compensation against the land acquired from the Ghaziabad Development Authority and this money, he undertakes to pay to the complainant.



6. Learned counsel for the petitioner has also invited the attention of this Court to the affidavit of the District Magistrate, Ghaziabad, in which the District Magistrate has deposed that the present petitioner has filed an application under Section 18 of the Land Acquisition Act, 1894, before the said Special Land Acquisition Officer, Ghaziabad, on 11.08.1991, which is still pending before the said office for disposal.
7. Learned counsel for the petitioner submits that despite this affidavit the enhanced compensation has yet not been released. Learned counsel for the petitioner submits that now they have filed a writ petition in the Allahabad High Court bearing No. WP (C) 2148/2023.
8. Issue notice.
9. Mr. Yasir Rauf Ansari, ASC accepts notice.
10. This Court has perused the orders of this Court dated 13.09.2019, 17.01.2023 and 06.03.2023 and considers that the parole granted to the petitioner may be extended for a period of six months on the petitioner furnishing a personal bond of Rs.20,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent i.e., on the same terms and conditions imposed vide order dated 13.09.2019.
11. In view of the above, the present petition stands disposed of.

DINESH KUMAR SHARMA, J



JULY 10, 2023/Pallavi

