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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 372/2024, CRL.M.A. 3417/2024**

VAKEEL

..... Petitioner

Through: Mr. Rohan J. Alva, Advocate.

versus

STATE (G.N.C.T. OF DELHI)

..... Respondent

Through: Mr. Jasraj Singh Chhabra, Advocate
for Ms. Nandita Rao, ASC for the
State.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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02.02.2024

1. By way of present petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C., the petitioner seeks following prayers :

“a. Issue a Writ in the nature of Certiorari for quashing of order no.F.10(3445952)/CJ/Legal/PHQ/2024/3693 dated 12.01.2024.

b. Issue a Writ in the nature of Mandamus directing the Respondent to release the Petitioner on 3rd Spell of furlough for a period of two weeks in case FIR No.349/2009, PS:Sangam Vihar, Delhi, U/s: 302 IPC;”

2. Learned counsel appearing for the State has taken a preliminary objection in light of the decision of the Coordinate Bench of this Court in Budhi Singh v. State NCT of Delhi delivered on 03.07.2023 passed in W.P.(CRL.) 697/2022 wherein it was observed that in cases where criminal appeals are pending before the Supreme Court, the petitioner is to seek



suspension of sentence in the said criminal appeals only instead of preferring an application for furlough before this Court. It is also informed that validity of Note 2 to Rule 1224 of the Delhi Prisons Rules, 2018 is pending consideration before the Division Bench of this court.

3. In view of the above, present writ petition is disposed of with liberty to the petitioner to seek recourse in accordance with law. Miscellaneous application is disposed of as infructuous.

MANOJ KUMAR OHRI, J

FEBRUARY 2, 2024

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