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

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Reserved on: 30.04.2024
Pronounced on: 02.05.2024

+ **W.P.(CRL) 1322/2024**

RAMESH @ DUDHIYA

..... Petitioner

Through: Mr. Chetan Bhardwaj and Ms.
Priyal Bhardwaj, Advocates
(appeared through VC)

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Sanjeev Bhandari, ASC
for the State with Ms. Anvita
Bhandari, Mr. Kunal Mittal,
Mr. Arjit Sharma, Mr. Vaibhav
Vats, Advocates and SI Sanjay
Nain, P.S. Sarai Rohilla, Delhi

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J.

1. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (‘Cr.P.C.’) has been filed on behalf of petitioner seeking issuance of appropriate writ, order and/or direction to release the petitioner on parole for a period of three weeks in view of the medical condition of his elder brother.



2. The petitioner, who is presently confined in Central Jail No. 14, Mandoli, was convicted in case FIR No. 289/2006, registered at P.S. Sarai Rohilla, Delhi under Sections 302/34 of IPC and Section 27 of Arms Act, and was sentenced to undergo life imprisonment, by the learned Trial Court. His appeal against the conviction i.e. CRL.A. 1041/2008 was dismissed by this Court vide order dated 25.05.2009.

3. By way of this petition, the petitioner seeks parole on the ground that his elder brother is suffering from Tuberculosis of Spine and lower Urinary Tract, and as a younger brother, he needs to look after his medical and financial needs.

4. *At the outset*, this Court notes that the petitioner has submitted in the contents of petition, and the learned counsel appearing on his behalf has stated before this Court, that an application seeking parole was addressed to the respondent on 23.04.2024 on behalf of the petitioner. However, the said application is yet to be decided or yet to receive a response, since it was filed only five days prior to filing of the present writ petition.

5. In this Court's opinion, the practice of filing of writ petitions for grant of parole or furlough within a few days of filing the application before the jail/competent authorities, without waiting for the outcome of such application and the time period for deciding such applications as per Delhi Prison Rules, has to be deprecated. Such practice only adds to the burden of the Courts, since for the purpose of passing an order, the Courts have to go through the order of rejection of furlough or parole to ascertain the reasons for such refusal. Moreover, at times, such writ petitions are filed before Courts



without waiting for the outcome, and in the meanwhile, the authorities concerned decide the applications in the favour of such petitioners, which make the entire process of filing writ petitions, a futile exercise.

6. Therefore, the filing of present writ petition is premature and the petitioner should have waited for the outcome of the application for parole filed by him.

7. In these circumstances, this Court directs that the present petition be treated as a representation on behalf of the petitioner herein, and the authorities concerned shall decide the same as per the Prison Rules. However, considering the grounds on which the parole has been sought by the petitioner, the authorities concerned are requested to expedite the process of consideration and passing an order on the petitioner's application for parole.

8. With the above observations, the present writ petition stands disposed of.

9. A copy of this judgment be sent to the Jail Superintendent concerned for necessary information.

10. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 2, 2024/zp