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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2659/2024**
VIKAS TOKAS @ VICKYPetitioner
Through: **Mr.Vibhor Garg and Mr.Keshav**
Tiwari, Advocates

versus

STATE OF NCT OF DELHIRespondent
Through: **Mr. Rahul Tyagi, ASC (Crl.) for the**
State with Insp. Rahul Raushan, P.S.
Vasant Vihar.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **02.09.2024**

1. Writ 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 preferred on behalf of petitioner with following prayer:

"i. Issue a writ in the nature of Mandamus directing the respondent to release the petitioner on 1st Spell of Furlough of four weeks in FIR No. 139/2011, P.S Vasant Vihar & U/S. 302/34 IPC."

2. Issue notice. Learned ASC for the State appears on advance notice and accepts notice.

3. Learned counsel for the petitioner submits that the impugned order dated 08.08.2024 rejecting grant of furlough appears to be erroneous since no SLP preferred by the petitioner is pending consideration. He further submits that on an earlier occasion furlough was granted to petitioner vide order dated 08.05.2024 passed in W.P.(Crl.) No.1174/2024.



4. In view of order dated 08.05.2024 passed in W.P.(Crl.) No.1174/2024 whereby petitioner was earlier released on furlough, impugned order dated 08.08.2024 rejecting the application for grant of furlough on the ground that SLP preferred on behalf of co-accused is pending, appears to be erroneous.

5. Present petition shall be considered as a representation on behalf of petitioner and orders shall be passed by the Competent Authority within a period of four weeks, in accordance with law.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to Superintendent Jail for information and compliance.

ANOOP KUMAR MENDIRATTA, J

SEPTEMBER 2, 2024/v