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

+ **W.P.(CRL) 2666/2024**

SHEKHAWAT

.....Petitioner

Through: Mr. Arman Roop Sharma & Ms.
Shivangi Goel, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel for
the State with Ms. Priyam Agarwal
and Mr. Abhinav Kumar Arya,
Advocates.
SI Deepa, PS Seelampur

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

09.09.2024

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1. The Petitioner has approached this Court for grant of second spell of furlough for a period of two weeks. The Petitioner has been convicted *vide* Order dated 17.12.2018 passed by the learned ASJ-01, Karkardooma Court, Delhi in FIR No. 265/2015 registered at Police Station Seelampur for offences under Section 363, 323, 376 IPC read with Section 6 of the POCSO Act.
2. The Petitioner has been sentenced to rigorous imprisonment for life offences punishable under Section 6 of the POCSO Act with fine of Rs.20,000/-. In default of payment of fine, the Petitioner shall further undergo simple imprisonment for a period of six months. For offences punishable under Section 363 IPC, the Petitioner has been sentenced to



rigorous imprisonment for a period of seven years with fine of Rs.10,000/-. In default of payment of fine, the Petitioner shall further undergo simple imprisonment for a period of six months. For offences punishable under Section 323 IPC, the Petitioner has been sentenced to rigorous imprisonment for a period of one year with fine of Rs.1,000/-. In default of payment of fine, the Petitioner shall further undergo simple imprisonment for a period of three months. All the sentences shall run concurrently.

3. It is stated that the Petitioner has challenged the order of conviction and sentence by filing Criminal Appeal No.182/2019 before this Court, which has been dismissed by this Court *vide* Order dated 22.05.2023 and therefore the Petitioner is entitled to furlough from the date of disposal of his appeal, i.e., from 22.05.2023.

4. Rule 1225 of the Delhi Prisons Rules, 2018 reads as under:-

“1225. That the prisoners convicted of murder after rape, under POCSO Act, convicted for multiple murders whether in single case or several cases, Dacoity with murder and murder after kidnapping for ransom, may be considered by the competent authority on the following parameters:-

(i) Deputy Inspector General (Range) of prisons shall put specific recommendation for considering the said case.

(ii) Social Welfare/ Probation officer's report/ recommendation shall be considered while deciding such furlough application.

(iii) Subject to the conditions/rules mentioned in Rule 1221 to Rule 1223 above, the spell of furlough for such



category would be as follows:

(a) only one spell of 3 weeks in first year of eligibility.

(b) only two spells of furlough, one for 3 weeks and other for 2 weeks in the second convict year of eligibility.

(c) Three spells of furlough like all other convicts in the subsequent years.”

5. It is stated that the Petitioner was entitled to furlough for one spell of three weeks in the first year of eligibility, i.e., from 22.05.2023 to 22.05.2024. In the second year, the Petitioner would be entitled for two spells of furlough; one for two weeks and the second for three weeks.

6. It is stated that the Petitioner has been granted furlough for a period of three weeks in the month of May, 2024 and now the Petitioner has approached this Court seeking second spell of furlough for a period of two weeks.

7. The Petitioner is availing his second furlough now itself in accordance with Rule 1225(iii)(b) of the Delhi Prisons Rules, 2018. The Petitioner is entitled to that furlough as a matter of right as of today and therefore the Petitioner be released on furlough for a period of two weeks, subject to the Petitioner furnishing a personal bond in the sum of Rs.5,000/- with one surety in the like amount to the satisfaction of the concerned Jail Superintendant along with verification of the address in which the Petitioner shall reside during the period he has been released on furlough.

8. With these observations, the petition is disposed of along with



pending application(s), if any.

SEPTEMBER 9, 2024
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SUBRAMONIUM PRASAD, J