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

+ W.P.(CRL) 2914/2024

VIKAS @ AALU

.....Petitioner

Through: Mr. Nitin Saluja, Mr. Pranya Madan
and Ms. Sanskriti Bansal, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Peshwani, Advocate for Ms.
Nandita Rao, ASC (Crl.) for the
State/GNCTD.
Inspector Shiv Prakash, P.S. Alipur.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

20.09.2024

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1. This is a writ petition under Article 226 of the Constitution of India, 1950 read with section 482 of Cr.P.C, 1973 filed by the petitioner seeking issuance of writ of mandamus directing the respondent to release the petitioner on parole for a period of 4 weeks.

2. Learned counsel appearing for the petitioner submits that despite a detailed order passed by this Court on 20th March, 2024 in W.P.(Crl.) 3347/2023 captioned "*Vikash @ Aalu vs. State of NCT of Delhi & Another*" directing the Jail Superintendent to immediately forward the application dated 12th August, 2023 seeking parole to the Competent Authority as per Delhi Prisons Rules, 2018, no action worth its salt has been taken by the concerned Jail Superintendent. Learned counsel submits that six months have passed to

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date and no action has been taken despite the fact that the application was filed in August, 2023. She submits that all that the petitioner sought by seeking parole was to file a Special Leave Petition in the Supreme Court challenging the order of conviction as also the order passed by this Court dismissing the appeal in Criminal Appeal No.1195/2018 on 26th June, 2023. On the aforesaid basis, she states that denial of the petitioner from being granted parole is violative of his rights to that extent.

3. Mr. Peswani, learned counsel appearing for the respondent/State submits that he does not have any instruction in respect of the present case and seeks a short accommodation to obtain instructions.

4. After having heard learned counsel for the petitioner and perusing the judgment dated 20th March, 2024, this Court does not deem it necessary to call for a response from the respondent.

5. It cannot be doubted that a convict has an indelible right to file an appeal before the Supreme Court which is the last Court of appeal for the petitioner. The manner in which the Jail Superintendent has delayed in taking action speaks volumes. Whatever be the reason, there is no plausible reason or rational as to why a specific direction passed by this Court *vide* order dated 20th March, 2024 has not been processed or complied with, till date.

6. Though this Court was initially inclined to take serious view of the lapse, however, is refraining from doing so. The judgment dated 20th March, 2024 is very clear in its recitals as also the directions. This Court deems it appropriate to therefore, dispose of the present writ petition at the admission stage itself, directing the concerned Jail Superintendent to forward the application dated 12th August, 2023 submitted by the petitioner seeking parole for a period of 4 weeks to the Competent Authority within three days from



Monday i.e. 23th September, 2024.

7. The Competent Authority is also requested to process the said application at the earliest, in any case, not later than two weeks from the date of receipt of the application as forwarded by the concerned Jail Superintendent.
8. The petition is disposed of.
9. Copy of this order be sent to the concerned jail for compliance.

TUSHAR RAO GEDELA, J

SEPTEMBER 20, 2024

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