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

+ **W.P.(CRL) 3746/2024 & CRL.M.A. 35962/2024**

UMESH

Through: Ms. Ruchira Gole, Advocate  
(DHCLSC).

.....Petitioner

versus

STATE OF NCT OF DELHI

Through: Mr. Amol Sinha, ASC (criminal) for  
the State with Mr. Ashvini Kumar,  
Advocate (M-9546969712).

.....Respondent

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE AMIT SHARMA**

**ORDER**

% **19.12.2024**

1. This hearing has been done through hybrid mode.

**CRL.M.A. 35962/2024 & CRL.M.A.38514/2024 (for exemptions)**

2. Allowed, subject to all just exceptions. Applications are disposed of.

**W.P.(CRL) 3746/2024 & CRL.M.A.-38513/2024**

3. The present petition under Article 226 of the Constitution of India read with Section 528 of the BNSS, 2023 was filed by the Petitioner-Umesh, *inter alia*, seeking issuance of an appropriate writ for quashing the **order No. F.10 (3739879)/CJ/Legal/PHQ/2024/7532** dated 29th October, 2024, passed by the Director General of Prisons, Prison Headquarters, Tihar thereby denying the third spell of furlough to the Petitioner.

4. The brief background of this case is that **FIR No. 130/2014**, under Sections 326A/34 of IPC, was registered against the Petitioner at PS Govind Nagar, Mathura, Uttar Pradesh. The trial of **Sessions Case No. 657/2014**



titled *State Vs. Hakkim and Others*, in respect of the said FIR, was transferred by the Supreme Court to the Patiala House Courts, New Delhi *vide* order dated 1<sup>st</sup> September, 2015, passed in *Transfer Petition (Crl.) No. 176/2015*.

5. The Petitioner was convicted and sentenced for rigorous imprisonment for life along with fine *vide* order on sentence dated 29<sup>th</sup> January, 2020, passed by the Id. Trial Court. The appeal against the said judgment of conviction and order on sentence was also dismissed by this Court in *CRL.A. 209/2020* *vide* order dated 13th October, 2022.

6. The Petitioner assailed the order dated 13th October, 2022, before the Supreme Court in *SLP (Crl.) No. 11118/2023*.

7. During the pendency of the said SLP, the Petitioner had applied for the first spell of furlough on 29th January, 2024, and the same was granted on 19th February, 2024. Thereafter, the Petitioner had applied for second spell of furlough on 29th April, 2024, however, the same was rejected on the ground of pendency of the *SLP (Crl.) No. 11118/2023*.

8. The Petitioner approached this Court in *W.P. (Crl.) 1972/2024* challenging the rejection of his request for furlough. *Vide* order dated 9th August, 2024, the Id. Single Judge released the Petitioner on furlough in the said petition.

9. The Petitioner is stated to have again applied for third spell of furlough on 7th October, 2024. The same was rejected *vide* the impugned order in the present petition.

10. In the present writ petition the prayer sought by the Petitioner is, *inter alia*, for the release of the Petitioner on furlough for a period of 2 weeks.

11. On 2nd December, 2024, the present petition was listed before the Id.



Single Judge. One of the issues which was raised by the Id. Single Judge was the pendency of the validity of Note (2) to Rule 1224 of the Delhi Prison Rules, 2018 in *W.P.(Crl.) 697/2022* titled as “*Budhi Singh vs. State of NCT of Delhi*”.

12. Today, an application being *CRL.M.A.-38513/2024* has been filed on behalf of the Petitioner seeking withdrawal of the present petition. The Id. Counsel for the Petitioner submits that *SLP (Crl.) No. 11118/2023* before the Supreme Court against the dismissal of the appeal in *CRL.A. 209/2020* was listed and heard on 10th December, 2024, and orders are stated to have been reserved by the Supreme Court.

13. However, the Id. Counsel for the Petitioner submits that she has instructions that her client does not wish to press the present petition.

14. In view of the above background, the present petition is dismissed as withdrawn and disposed of along with pending applications, if any.

15. Any application for furlough which may be made by the Petitioner hereafter shall be considered by the concerned authority on its own merits, in accordance with law.

**PRATHIBA M. SINGH, J**

**AMIT SHARMA, J**

**DECEMBER 19, 2024/sn/bsr/pr/ms**