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

+ **W.P.(C) 12285/2023**

EZIEFULA SAMUEL UCHEGBU

.....Petitioner

Through: Advocate (appearance not given)

versus

FOREIGNERS REGIONAL REGISTRATION OFFICE (FRRO)

.....Respondent

Through: Ms. Nidhi Raman, CGSC, Mr. Amit Acharya, GP, Mr. Akash Mishra, Mr. Arnav Mittal, Advs. for UOI.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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25.04.2025

1. The petitioner in the present petition seeks to assail an email/communication dated 18.08.2023 whereby the application of the petitioner dated 17.08.2023 for fresh/extension of visa was rejected by the respondent.

2. It is averred in the petition that the petitioner is a Nigerian national, who has been convicted in an offence emanating out of FIR bearing no.291/2011, registered at the Tilak Nagar Police Station for the offences under Sections 302/392/397/411/120B/34 of IPC and is currently serving his term in Tihar Jail (in jail for more than 12 years).

3. The petitioner preferred an application before the Prison Authorities for grant of parole. However, the said application was rejected vide an order dated 04.07.2023. The relevant portion of the said order reads as under:

"Sir,

This is with reference to your file CD No. 003736877, whereby proposal regarding grant of parole to the above said convict was sent to this office



for consideration. In this regard, I am to inform you that the request in respect of the above said convict for grant of parole has been considered and rejected by the Hon'ble Lt. Governor of Delhi in view of the following:-

1. *As per Rule 1211 of Delhi Prison Rule-2018, which provide that:- "In the following cases, parole shall not be granted, except if in the discretion of the competent authority special circumstances exist for grant of parole:*

(IV). Convicted foreigners subject to prior approval of Ministry of Home Affairs & Ministry of External Affairs and having valid permission to stay in India. In this case, the above said convict is a foreign national of Nigeria. Keeping in view the gravity of the offence, the parole has been rejected in view of the above rule.

2. *The Prison Department has recommended that the request of said convict for grant of parole on the ground of filing SLP in Supreme Court and social ties with family members, being generic, does not attract exceptional conditions to qualify relief under Rule 1211 of Delhi Prison Rule-2018 as the filing of SLP in Supreme Court by a private sector counsel is always a costly affair for which the convict, probably, cannot met due to the weak financial condition of his family (As per report of probation officer, his family belongs to economically weaker section). Instead, he can avail legal aid facility from the Jain where he can get his SLP drafted by Legal Aid advocate and file it in the Supreme Court.*

3. *Further, as per police verification report received from ACP, Tilak Nagar, Delhi, it is stated that the given address is not verified and there is a possibility of jumping parole and committing similar offence by the above said convict."*

4. During the course of proceedings, it has been also brought out that this Court in W.P.(C) 13110/2023 passed directions, which arose in similar factual matrix pertaining to a co-accused in the said FIR. The direction in order dated 31.10.2023 passed by this Court in the aforesaid writ petition, reads as under:

"4.The petitioner's application for parole has been primarily rejected on the ground that the reason given in the application for parole which is for filing of an SLP was not accepted by the Prison Authorities and the Petitioner was permitted to avail legal aid facilities from the jail itself. The Petitioner is residing in the country illegally without a valid visa.



The argument that the Petitioner cannot be denied a valid visa which will impact his application for parole cannot be accepted at this juncture because the Petitioner has been denied parole on other ground.

5. In view thereof, it is open for the Petitioner to challenge the Order dated 06.07.2023 and in the event of the Petitioner succeeding in getting permission for parole, it is always open for the Petitioner to approach this Court by filing a fresh writ petition for a direction to the Respondent for grant of a visa so that he can avail the benefit of parole.”

5. In light of the above, without going into the merits of the case, the present petition is disposed of in the same terms. In the circumstances, the petitioner is at liberty to challenge the order dated 04.07.2023; in the event that the petitioner succeeds therein and is granted parole, the petitioner shall be at liberty to file a fresh petition before this Court seeking appropriate directions in accordance with law for grant of visa to avail the benefits of parole.

6. The present petition, along with pending application(s), is disposed of in the above terms.

SACHIN DATTA, J

APRIL 25, 2025/cl