

IN THE HIGH COURT OF DELHI AT NEW DELHI

SUBJECT : CODE OF CRIMINAL PROCEDURE

Date of Decision: December 4, 2008

ECHO is on.

W.P. (CRL.) 892/2008 and Crl.M.B.9756/2008

RAJ KUMAR ...

Through:

PETITIONERS

Mr Anish Dhingra, Advocate with
Vikas Padora Advocate for
petitioner.

VERSUS

STATE ...

Through:

RESPONDENT

Mr. Saleem Ahmad, Addl.
Standing Council for state with Mr.
Ehtesham Hashmi, Advocate

VEENA BIRBAL, J (Oral)

1. Present is a petition for grant of parole for a period of twelve weeks to enable the petitioner to engage a lawyer for filing Special Leave Petition before the Supreme Court of India and for getting himself operated for removal of stones from kidney and gall bladder from a private hospital. It is submitted that petitioner was convicted under section 302 IPC by Ld. ASJ, Delhi and was sentenced to RI for life and to pay fine of Rs. 10,000/- and in default of payment of fine to further undergo SI of 10 months. It is submitted that on an appeal filed by petitioner, conviction was altered to section 304 IPC and sentence was modified and reduced to 8 years RI by this court. Petitioner applied for grant of parole before Government of NCT of Delhi for filing SLP before the Supreme Court of India. However, same has been rejected vide order no. F.18/65/2005/HG/2002 dated 30.5.2008. There is no male member in his family as such he be released on parole for a period of twelve weeks to do the needful. Status report is filed by state. As per the said report, family of petitioner comprises of old aged parents who are 75 years and 66 years of age respectively. Petitioner has got wife and two school going children. It is stated that petitioner is undergoing treatment from Deen Dayal Upadhyay Hospital and there are sufficient facilities available, as such he can get treatment from the said hospital. Perusal of nominal roll shows that he has undergone sentence of approximately 6 years including remissions. Twice petitioner has been granted parole in the year 2006 and 2007. He has always surrendered on time. Nothing adverse is mentioned in the nominal roll about his conduct in the jail. Considering the totality, petitioner is granted parole for

a period of six weeks from the date of his release on furnishing a personal bond in the sum of Rs 25,000/- with one surety of the like amount to the satisfaction of Jail Superintendent. Petition and application stand disposed of accordingly.

Sd./-
VEENA BIRBAL, J.

December 4, 2008