

(2019) 10 DEL CK 0265

In the Delhi High Court

Case No : Letters Patent Appeal No. 651 Of 2019

Jitender Kumar

APPELLANT

Vs

State Of Nct Of Delhi

RESPONDENT

Date of Decision : 01-10-2019

Acts Referred:

Delhi Prison Rules, 2018 — Rule 1210
Indian Penal Code, 1860 — Section 120B, 364A

Citation : (2019) 10 DEL CK 0265

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ;C. Hari Shankar, J

Bench : Division Bench

Advocate : Puneet Garg, Rahul Mehra

Final Decision : Dismissed

Judgement

D.N. Patel, CJ

CM APPL. 44354/2019 (exemption)

Allowed, subject to all just exceptions. Application is disposed of.

LPA no. 651/2019

1. This Letters Patent Appeal has been preferred by the appellant (original petitioner), whose writ petition being W.P. (Crl.) No. 2744/2019 was dismissed by the learned Single Judge vide judgment and order dated 24th September, 2019 (Annexure P-1 in the memo of this appeal), whereby prayer of the appellant for grant of parole within a period of six months from the earlier parole was not accepted by the learned Single Judge and hence, the appellant (original petitioner) has preferred the present Letters Patent Appeal.

2. Having heard the learned counsel for both the parties and looking to the facts and circumstances of the case, it appears that the appellant (original petitioner) has been convicted for life imprisonment for the offence committed under Section 364A read with Section 120-B of the Indian Penal Code, 1860. It further

appears that earlier parole was given to the appellant (original petitioner) for the period running from 25th June, 2019 to 9th July, 2019.

3. As per Rule 1210 of the Delhi Prison Rules, 2018, normally second parole within a period of six months cannot be granted. It also appears that within a period of six months from the first parole, an application was preferred by the appellant for grant of parole on the ground that operation of knee of the appellant's mother is to be carried out.

4. It appears that earlier, the date of said operation was fixed for 20th September, 2019 and now, it is re-fixed for 4th October, 2019. The appellant (original petitioner) is already having a brother and a sister residing in Delhi. Thus, both the brother and sister of the appellant, who are also the son and daughter of appellant's mother, can take care of their mother. Much has been argued out by the counsel for the appellant that Rule 1210 of the Delhi Prison Rules, 2018 has certain exceptions. Looking to the facts and totality of the circumstances of the present case, we see no reason to entertain this Letters Patent Appeal as the siblings of the appellant are also residing in Delhi and operation of the appellant's mother has been re-fixed for 4th October, 2019, and no reason for the change of date has been submitted by the counsel.

5. Hence, we see no reason to allow the Letters Patent Appeal as no error has been committed by the learned Single Judge while deciding W.P. (Crl.) No. 2744/2019 vide judgment and order dated 24th September, 2019.

6. Hence, there is no substance in this Letters Patent Appeal and the same is dismissed.