

\$~19 (matter of 20.08.2021)

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

+ W.P.(CRL.) 654/2021

RAHUL alias BUDH PRAKASH Petitioner

Represented by: Mr.Nitesh Gupta, Advocate.

Versus

STATE Respondent

Represented by: Ms.Nandita Rao, ASC appearing on
behalf of Mr.Ashish Aggarwal, ASC
for the State.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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23.08.2021

The hearing has been conducted through video conferencing.

Matter is taken up today as 20th August 2021 was declared as a Holiday of this Court.

1. According to the petitioner, though the learned Trial Court convicted the petitioner for offence punishable under Sections 376(2)(g) IPC, however, on an appeal filed by the petitioner, this Court converted the conviction of the petitioner from the offence punishable under Section 376(2)(g) IPC to Section 376 IPC simplicitor vide judgment dated 5th February 2010, however, maintained the sentence of life imprisonment.

2. Learned counsel for the petitioner states that repeatedly, the case of the petitioner is being rejected by the SRB because correct facts that the conviction of the petitioner had been modified from the offence of gang rape to that of rape, was not brought to the notice of the SRB and the case of the petitioner is shown as a case of gang rape and robbery. Learned counsel for

the petitioner states that the conduct of the petitioner in jail is exemplary and he has been working as a *Langar Sahayak*. He further states that the petitioner has been granted appreciation certificates in jail and has been granted paroles/furloughs number of times which concession he did not misuse. He states that during the incarceration of the petitioner, father and sister of the petitioner passed away in the year 2015 and 2019 respectively and now the family of the petitioner comprises of his mother only.

3. An affidavit will be filed by the Directorate General (Prisons) indicating as to why the complete facts that the conviction of the petitioner has been altered to one under Section 376 IPC only, were not brought to the notice of SRB and why it is informed to the SRB that the case of the petitioner is one under Sections 376(2)(g)/324/392/397/506/34 IPC & 27 of the Arms Act, as is evident from the Minutes of the SRB dated 11th December 2020. In view of the fact that complete and correct facts were not brought to the notice of the SRB, Director General (Prisons) is directed to ensure that while putting up the case of the petitioner before the SRB in its next meeting, the judgment of conviction passed by the learned Trial Court as also the judgment of this Court in appeal, whereby, the petitioner has been convicted only for the offence punishable under Section 376 IPC and the gist thereof will be placed before the Committee.

4. List this petition on 22nd October 2021 before which date a status report with the outcome of the next SRB will be placed on record.

5. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

AUGUST 23, 2021/akb