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

+ **W.P.(CRL) 404/2024**

AMAN SHARMA

.....Petitioner

Through: Mr. Anup Kr. Das, Mr. Ashish
Sareen, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC, Mr. Sangeet
Sibou, Ms. Priya Rai, Mr. Anikate,
Advs.
ASI Mahesh Pratap, PS Janak Puri

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

19.11.2024

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1. This is a petition filed under Section 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of punishment ticket dated 07.09.2021.
2. As per the punishment ticket, during the search conducted of the bed of the petitioner, 5 grams of tobacco was found for the purpose of making of bidi. Hence the petitioner was awarded punishment of stoppage of mulakat for 28 days, stoppage of canteen facility for 15 days and stoppage of inmates call facility for 15 days. The punishment was approved by the learned District and Session Judge on 02.05.2022.
3. Mr. Das, learned counsel for the petitioner has drawn my attention to Rule 1271(b)(ii) of Delhi Prison Rules, 2018 which amongst other things



defines major punishment, which reads as under:-

“1271.....

(a) **Minor Punishments**

.....

(b) **Major Punishments**

I.

II. Stoppage of recreational facilities up to a period of one month or canteen facilities for a period of 1 month or stoppage of interviews for a period of up to three months;”

4. He further states that the stoppage of interviews for a period of up to 3 months shall be considered as a major punishment, there is no minimum period and hence any stoppage of mulakat up to 3 months would constitute a major punishment.

5. He therefore states that for awarding major punishments, the procedure prescribe under Rule 1272 needs to be strictly followed and the same has been completely ignored. The said Rule reads as under:-

“1272. For award of major punishment the priosoner should be given notice in writing, calling him to show cause with reference to the alleged violation of Jail rules. The order of punishment should also be communicated to the concerned prisoner.”

6. Mr. Sangeet, learned counsel for the respondent states that a punishment of stoppage of mulakat more than 1 month would constitute major punishment.

7. I have learned counsel for the parties.



8. Rule 1271(b)(ii) reproduced above shows that stoppage of interviews/mulakat up to 3 months would constitute major punishment. The language of the said Rule is clear and there is no ambiguity. There is no minimum period given in the said Rule and hence stoppage of interviews for any number of days would constitute a major punishment and therefore, the Rule 1272 needs to be followed. Hence, the stoppage of mulakat under Rule 1271(b)(ii) i.e. without issuance of show cause is contrary to Rule 1272 and cannot be sustained.

9. In addition, Rule 1275 reads as under:-

“1275. No prisoner should be punished twice for the same offence by the same authority.”

10. In the present case, the petitioner has been punished with stoppage of mulakat for 28 days, stoppage of canteen facility for 15 days and stoppage of inmates call facility for 15 days, which is again punishing the petitioner for the same offence thrice which is contrary to Rule 1275.

11. For the same reasons, the punishment ticket dated 07.09.2021 is quashed.

12. The petition is allowed and disposed of.

JASMEET SINGH, J

NOVEMBER 19, 2024/NG