



\$~88

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

CNR No. DLHC010261042025

+ **W.P.(CRL) 1437/2025**

AJAY KUMAR TRIPATHY @ AKSHAY Petitioner

Through: **Ms. Sunita Arora, Adv. DHCLSC**

versus

STATE OF NCT OF DELHI Respondent

Through: **Ms. Rupali Bandhopadhy, ASC with
Mr. Abhijeet Kumar and Ms. Amisha
Gupta, Advs.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **18.08.2026**

1. The petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS') seeking quashment of punishment ticket no. 64 dated 30.12.2024 issued by Central Jail no. 2, Tihar, New-Delhi.
2. The punishment has been awarded to the present applicant on account of not surrendering within the time and alleged jump of emergency parole. The material which has been placed on record, indicates that there is no clear evidence of informing the petitioner to surrender i.e. there is no clear evidence establishing the service of the notice requiring petitioner to surrender on a particular date.
3. The respondent states that wireless messages were served upon the



petitioner and the petitioner acknowledged the same is undiscerned. The para no. 5 of the status report is extracted as under: -

“5. That, petitioner was released on 23.07.2021 on Emergency Parole for a period of 08 weeks during the pandemic of COVID-19. The same was extended from time to time till 07.04.2023. However, he did not surrender on due date and jumped Emergency Parole. Thereafter, wireless messages were sent by this office to the concerned agencies for his rearrest. He was re-arrested by the Delhi Police vide GD No. 29-A, dated 29.12.2024, P.S. Crime Branch and re-admitted in this jail on 29.12.2024.”

4. This Court in ***Vipin Sharma v. State (Govt. of NCT of Delhi)***¹, observed that punishment cannot be imposed upon a prisoner unless it is preceded by clear notice informing him of the charge, or default alleged against him. The relevant para 6&8 are extracted as under: -

6. I am of the view that the stoppage of Mulakat is a major punishment. Once a procedure for awarding the punishment has been prescribed in the Delhi Prison Rules, the same must be complied with in its true letter, spirit and intent. Rule 1272 mandates that before awarding the punishment, the prisoner should be given:

(i) written notice,

(ii) calling him to show cause with reference to alleged violation of the jail rules and

(iii) The order of punishment to be communicated to concerned prisoner.

8. Showing of punishment ticket by no stretch of imagination can be said to be compliance of Rule 1272. The showing of punishment ticket is not akin to giving a show-cause notice. The show-cause notice requires that the prisoner/inmate should be put to notice and he must be informed in writing that he is required to respond to the charges levelled against him as well as the basis for those charges and the punishment which can be given to him in case his response is found unsatisfactory. The punishment ticket produced hereinabove has already found the petitioners guilty of violation of Prison Jail Rules. Only the punishment remained to be ascertained which has been done subsequently through the handwritten

¹ 2022: DHC:3215.



note. The punishment ticket, hence, is not a show-cause notice and the same falls foul of Rule 1272.

(Emphasis Supplied)

5. This Court has quashed punishment tickets where delays in surrender occurred due to COVID-19. Reference can be made to decision in the case of ***Mohd. Alam v. State of NCT of Delhi***², the relevant para 5 is extracted as under: -

“5. Earlier also, in few cases it has been observed that on account of illiteracy and ignorance, many a time the convict released on parole or furlough fails to surrender back in time and the delayed surrender leads to punishment, with its consequential effects. In all those cases, directions are being issued by this Court to the Jail Authorities to inform to the convicts at the time of their release on parole or furlough, a specific date in writing by which they have to surrender. In this regard, instead of a bald statement on behalf of the Jail Authorities that they had informed the convict about the date of surrender, it would be appropriate that a written note of date of surrender is handed over to the convict at the time of releasing him on parole or furlough after taking his acknowledgement on a copy of the said written note, so that there is no ambiguity.”

(Emphasis Supplied)

6. It is seen that the petitioner was on emergency parole owing to COVID-19 situation in the country.

7. Thus, in view of the aforesaid, the punishment ticket no.64 dated 30.12.2024 stands set aside.

8. This petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 18, 2026

Ab/ad

² 2025: DHC: 6065.