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

+ **W.P.(CRL) 2681/2018**

ROHIT

..... Petitioner

Represented by: Mr. Anurag Jain and Ms. Ayushi
Sharma, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Represented by: Mr. Sanjay Lao, ASC with SI Nishant
PS Gandhi Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

17.12.2018

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Grievance of the petitioner in the present petition is that despite uniform good conduct in jail the petitioner has been denied remission on the basis of punishment ticket dated 20th January, 2017.

This Court had directed the Director General, Prisons to file a reply affidavit to the petition. Since, the reply affidavit was filed by the Additional Inspector General, Prisons instead of Director General, Prisons, this Court asked the Director General, Prisons to look into the matter as why an affidavit has neither been filed by him on his behalf.

An affidavit has been filed by the Director General, Prisons explaining that the affidavit had been approved by him, however, he was not available so the Additional Inspector General of Prisons filed the affidavit. Inadvertently in the affidavit it was not stated that the same was on behalf

of the Director General, Prisons and had the prior approval of the Director General, Prisons. The affidavit also explains the reasons for disallowing further remissions.

As per the affidavit the petitioner was convicted for offences punishable under Sections 452/302/148/149/324 IPC and 27 of the Arms Act and awarded sentence of rigorous imprisonment for life by the learned Trial Court.

In an appeal preferred by the petitioner before this Court, his conviction under Section 302 IPC was set aside and he was awarded sentence to 7 years imprisonment for offence punishable under Section 452 IPC and 3 years imprisonment for offences punishable under Sections 148 and 342 IPC.

Since the total remission of a prisoner cannot exceed 1/4th of the total sentence awarded on the sentence being modified by this Court to imprisonment for a period of 7 years, the remissions of the petitioner were re-calculated.

As per the affidavit the probable date of release of the petitioner is 15th January, 2019. Considering the facts noted in the affidavit this Court finds no ground to pass any further order in favour of the petitioner.

Petition is dismissed.

MUKTA GUPTA, J.

DECEMBER 17, 2018
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