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

+ **W.P.(CRL) 3295/2017**

POOJA @ RAKHI KAPOOR Petitioner
Represented by: **Mr. R.D. Rana, Advocate.**

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents
Represented by: **Mr. Avi Singh, Additional
Standing Counsel for State and
Ms. Purnima, Advocate with SI
Rajendra Dhaka, PS Rajouri
Garden.**

**CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA**

ORDER
23.07.2018

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1. By this petition, the petitioner seeks a writ of mandamus/directions to the respondent Nos. 2 to 7 not to harass her, threat or humiliate her or to involve her in fake misbehaviour incidents.
2. According to the petitioner, she has been involved in a false murder case of a maidservant and is in jail since 21st January, 2015 in case FIR No.1375/2014 under Sections 302/201 IPC registered at PS Rajouri Garden, Delhi. Petitioner claims that since she has been lodged in the jail she was asked to bring gifts and cash through her relatives and on refusal she is made to clean the toilets and bathrooms and on refusal thereto she is awarded punishment, her mulakats are stopped and she is also awarded punishment of not enjoying canteen facilities.

3. As per the petitioner on 18th October, 2016 at about 11.00 AM she was having fever and suffered low blood pressure when she was taken to medical room with great difficulty as the jail staff was not ready to take her to medical facility. As soon as she entered the medical room she requested the doctors to examine her however, they were being applied mehndi on their hands by the convicts/under trial prisoners. When the petitioner again requested, they asked the convicts and inmates to teach her a lesson and started thrashing and beating her with fists and blows for which she filed W.P. (Crl.) No.3247/2016 which is pending before this Court.

4. Reply of the Superintendent, Central Jail No.6 in this regard is that on 18th October, 2016 at around 11.30 AM petitioner made a medical call and came to medical room for examination where she started misbehaving with doctors and staff. The incident was witnessed by the medical staff namely Dr.Ravinder Kumar, Senior Medical Officer, Dr.Sheetal, Medical Officer, Dr. Shahida Praveen, medical Officer, Dr. Jai Shree, Medical Officer, Ms. Harmeet Kaur, Pharmasist, Mr. Tarun Kumar Pharmasist, Ms. Roopa Arora, Nursing orderly. The petitioner abused the doctors on duty and tried to hit her by throwing blood pressure instrument. The doctors came out and ran towards Superintendent's office. The staff brought her to the control room of the jail and tried to calm her down, but the petitioner continued provoking the staff and scuffled with other inmates namely Neha, Nisita and Alisha. The staff separated them and lodged them in their wards but the petitioner was not ready to go to the ward from the Control Room. Then the petitioner created a scene at the chakkar in front of camera and started throwing bricks towards the staff and hurt herself with her own nails and with bricks. She attacked at the staff, tore their uniform. Thus

alarm was raised to control the situation by use of minimum force and a complaint was forwarded to SHO, PS Hari Nagar. To avoid any untoward situation the petitioner was shifted to another cell along with two inmates but she created trouble for them also and thus she was shifted to a separate cell in Ward No.10 and presently she is in Ward No.3. Due to her misbehaviours and manhandling of the jail staff case FIR No. 645/2016 under Sections 186/353/332/323 IPC has been registered against her at PS Hari Nagar on 18th October, 2016 and after the investigation, charge sheet has been filed therein.

5. The petitioner further claims that after the incident of 18th October, 2016 petitioner was shifted to Ward No.10 for her seclusion and separation ostensibly to ensure her safety and thereafter she was transferred to Ward No.3. It is alleged that on 19th March, 2017 the petitioner was brutally assaulted by the jail staff namely Ruth Peter and Poonam who gave her beatings by danda and teeth bite were given on the back of the petitioner. When the petitioner was produced on 28th March, 2017 in case FIR No.645/2016 before the learned Metropolitan Magistrate, he directed the medical examination of the petitioner from Deen Dayal Hospital where two teeth bite marks were found on her left and right side of the back and brownish bruise on the right knee. According to the petitioner when she was directed to be released for two weeks' on 12th November, 2017 the jail staff wanted her to withdraw her earlier writ petition or else more punishments would be given to her.

6. A status report has been filed by SHO, PS Hari Nagar, as per which the petitioner is in custody in FIR No. 1375/2014 under Section 302/201 IPC registered at PS Rajouri Garden for brutally beating a minor girl

working as a maid with the petitioner resulting in the death of the said girl due to the assault. In view of her unsatisfactory behaviour in jail with the officials and inmates several punishment tickets have been awarded to her duly approved by the learned District and Sessions Judge.

7. Petitioner was medically examined on 28th March, 2017 wherein the petitioner herself gave the history as under:”

“History of physical assault (?? human bite) as told by self and nature of injury was opined to be simple blunt.

8. The main argument of learned counsel for the petitioner for the alleged assault dated 19th March, 2017 is that human bite injuries could not be inflicted by the petitioner herself at her back. As per the MLC dated 28th March, 2017 got conducted pursuant to the order of learned Metropolitan Magistrate, the petitioner gave history of physical assault (?? human bite) as told by self. This is not a finding of the doctor. On examination the doctor found semicircular bruise on back left and right side and a brownish bruise on right knee. Bite marks are distinct and there is no finding by the doctor that the semicircular bruise is by bite mark which would be different. The opinion of the doctor is that the injury is simple and by blunt object, bite mark is not by a blunt object. Thus the contention of learned counsel for the petitioner is required to be rejected. Further in respect of the allegations of the petitioner regarding alleged incident dated 19th March, 2017 the learned Metropolitan Magistrate has already called for a report and is pending consideration.

9. A perusal of the record reveals that the petitioner has involved herself in more than 30 incidents of misbehaviour with the jail staff, doctors, DAPS

staff, inmates etc. and the punishments have been duly approved by the concerned District Judge.

10. Considering the facts noted above this Court does not find it to be fit case for passing any direction to respondent Nos. 2 to 7 as prayed for.

11. Petition is dismissed.

MUKTA GUPTA, J.

JULY 23, 2018
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