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

+ W.P.(CRL) 3083/2018

RAJENDER @ LALA Petitioner

Represented by: Mr. Anurag Jain, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: Mr. R.S. Kundu, ASC for Mr. Avi
Singh, ASC with SI Tej Singh PS
Model Town.
Mr. Aas Mohd (Head Warder)

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

29.01.2019

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Though a status report has been filed, however the said status report does not even indicate the date when the application of the petitioner for being transferred to semi-open jail was considered and rejected and whether the said communication was sent to the petitioner.

As per the status report since the last jail misconduct of the petitioner was 11th September, 2015 for three years he could not be considered for transfer to semi-open jail. It is stated that now Delhi Prison Rules 2018 have come into force from 1st January, 2019. As per the Delhi Prison Rule 1321 (ii) the requirement is also that for the last three years the petitioner/convict should not have been punished for any offence in jail besides other conditions.

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Considering that three years have elapsed from the last punishment and it is not clear as to when the application dated 17th August, 2016 was rejected, the Director General (Prisons) is directed to consider the application of the petitioner dated 17th August, 2016 copy whereof is at pages 18 and 19 of the present petition in terms of the new Delhi Prison Rules 2018 and the decision thereon be communicated to the petitioner within four weeks.

Petition is disposed of.

Copy of this order be communicated to the Director General (Prisons).

MUKTA GUPTA, J.

JANUARY 29, 2019
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