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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2572/2020

ZEE MEDIA CORPORATION LIMITED

..... Petitioner

Through: Mr.Shri Singh, Ms.Maneka Khanna,
Ms.Sayali Kadu and Mr.Piyush,
Advs.

versus

GOVERNMENT OF NCT OF DELHI AND ANR. Respondents

Through: Mr.Rahul Mehra, Standing Counsel
(Criminal), Mr.Satyakam, ASC,
Mr.Jamal Akhtar, Mr.Chaitanya
Gosain, Mr.Divyank Tyagi,
Mr.Amanpreet Singh and Mr.Anand
Thumbayi, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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11.03.2020

CMs 8946-47/2020

Exemption allowed, subject to all just exceptions.

WP(C) 2572/2020

1. This petition has been filed challenging the order dated 27.02.2020 passed by the Superintendent Jail-1, PHQ, Prison Headquarters, Tihar Jail, New Delhi, rejecting the request of the petitioner to interview the prisoners sentenced to death in FIR No.413/2012, registered in Police Station Vasant Vihar.
2. The learned counsel for the petitioner submits that the Impugned

Order does not give any reason for rejecting the request of the petitioner for such interview. Placing reliance on the judgments in *Smt.Prabha Dutt v. Union of India & Ors.*, (1982) 1 SCC 1; *Sheela Barse v. State of Maharashtra*, (1987) 4 SCC 373; *M. Hasan and Ors. v. Government of Andhra Pradesh and Ors.* MANU/AP/0288/1997 and *Binoo K. John v. State of Kerala*, 1985 SCC OnLine Ker 215, the learned counsel for the petitioner submits that interview of the convicts is permissible even though the Delhi Prison Rules, 2018 (hereinafter referred to as the 'Rules') do not specifically provide for an interview of the prisoners.

3. On the other hand, the learned Standing Counsel for the Government of NCT of Delhi, while placing reliance on the Rule 864 read with Rule 858 of the said Rules, submits that once the learned Trial Court fixes the date of execution of a prisoner sentenced to death, such prisoner is allowed a "final meeting" only with his relatives as defined in Rule 789 (ii) of the Rules. He submits that in the present case, by an order dated 05.03.2020, the learned Trial Court has fixed the date of execution of the prisoners as 20.03.2020 and therefore, in accordance with the Rules, no such interview is permitted.

4. The learned counsel for the petitioner, however, insists that even though the date of execution of the prisoners has been fixed by the learned Trial Court, in the peculiar facts of the present case where such date has been repeatedly re-fixed, the respondents may consider the request of the petitioner subject to any condition that may be imposed by them. He further submits that the submissions made by the learned counsel for the respondents are not reflected in the Impugned Order and therefore, the said submission cannot be taken as reasons for rejecting the request of the petitioner. It is for the Authority to apply its mind on the request and pass a

reasoned order thereon.

5. In view of the submissions made, the present petition is disposed of directing the respondents to consider the request of the petitioner afresh and pass a reasoned order thereon and communicate it to the petitioner, latest by tomorrow.

Dasti under the signature of the Court Master.

NAVIN CHAWLA, J

MARCH 11, 2020/Arya