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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3095/2020 and CM No. 10753/2020, CM No. 10754/2020
AMIT SAHNI Petitioner

Through: Mr.Amit Sahni, Advocate

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR Respondents

Through: Mr.Satyakam, Advocate for GNCTD

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **11.05.2020**

[VIA VIDEO CONFERENCING]

1. The petitioner, a practicing Advocate of this court, by way of this public interest litigation, seeks mandamus to the respondents to convene meetings of Sentence Review Board (SRB), more frequently, as provided in Rules 1249 and 1250 of Delhi Prisons Rules, 2018, to ensure that the cases of convicts who qualify the parameters as determined by the Government, are considered more frequently, in the wake of Covid-19, to decongest the jails.

2. The counsel for the respondents has at the outset only drawn attention to the order dated 21st October, 2019 of the Division Bench of this Court in W.P.(C) 11223 of 2019 earlier filed by the petitioner, also by way of a public interest litigation and which was disposed of by directing the respondents to convene the meetings of the SRB periodically under the Delhi Prisons Rules, for reviewing the sentences awarded to the convicts.

3. Counsel for the respondents thus contends that this second petition, seeking the same relief, is not maintainable. It is also contended that W.P.(C) 3095/2020

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a contempt petition being CONT. CAS. (C) No. 6/2020 was filed by the petitioner averring violation of the order dated 21st October, 2019 and which contempt petition was listed for 05th May, 2020 to file the status report.

4. The petitioner states that the matter could not be taken up on 05th May, 2020 and stands adjourned to 02nd June, 2020.

5. With respect to the objection to the maintainability, the petitioner states that the order dated 21st October, 2019 is with respect to Rule 1249 only, which provides for quarterly meetings of the SRB; it is stated that the petitioner in this petition is invoking Rule 1250 which permits the Chairperson to hold more meetings than on a quarterly basis.

6. It is also argued by the petitioner that in the wake of Covid-19 it is incumbent that the cases of all those who are eligible to be released be reviewed and if their sentence is reviewed, be released immediately from the prison so as to decongest the jail.

7. We have enquired from the counsel for the respondents whether in the High Powered Committee constituted by this Court pursuant to directions contained in order dated 23rd March, 2020 of the Hon'ble Supreme Court in *Suo Motu* Writ Petition (C) No. 1/20 titled ***In Re: Contagion of Covid 19 Virus in Prisons***, any provision has been made in this respect.

8. The counsel for the respondents states that he will have to obtain instructions in this respect. Counsel for the respondents however informs that for the year 2020, one meeting of SRB was held on 28th February, 2020 and another meeting is already underway today.

9. Having heard the counsels, we are in agreement with the counsel for the respondents that this petition is nothing but a repeat of a public interest litigation earlier filed by the petitioner. It is significant that in the prayer

paragraph in the present petition also, directions for convening meetings of the SRB more frequently as provided in Rules 1249 as well as 1250 of the Delhi Prison Rules is sought.

10. We may also add that in the order dated 21st October, 2019 of this Court, the direction for convening the meetings of SRB “Periodically under Delhi Prisons Rules, 2018 for reviewing the sentences awarded to the convicts” has been issued and the direction is not confined to Rule 1249 only.

11. Thus in our view, this petition is not maintainable owing to the distinction sought to be carved out by the petitioner and more so, once the meeting of SRB is already underway today.

12. However since this Court under the directions of the Hon’ble Supreme Court has already constituted a High Powered Committee to look into the aspect of decongestion of jails, we, while disposing of this petition, grant liberty to the petitioner to approach the High Powered Committee for further directions if any required for convening meetings of the SRB more frequently and it is expected that the respondents, who are already participating in the said High Powered Committee, would also on their own place a copy of this order before the Chairperson of the High Powered Committee for further action, if any required.

13. With the aforesaid the petition is disposed of.

RAJIV SAHAI ENDLAW, J.

SANGITA DHINGRA SEHGAL, J

MAY 11, 2020 / SU
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