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

+ **W.P.(CRL) 206/2018**

VIKAS YADAV

..... Petitioner

Through: Mr. Kanhaiya Singhal, Ms. Vani Singhal, Mr. Ujwal Ghai, Mr. Teeksh Singhal, Mr. Prasanna, Mr. Anmol Sharma, Mr. Anmol Chopra and Mr. Udit Bakshi, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Through: Mr. Rajesh Mahajan, SPP for the State with Ms. Jyoti Babbar and Mr. R. Kamal Bora, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

01.03.2024

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1. The present petition under Article 226 of the Constitution of India read with Section 482 of the CrPC seeks following prayers:-

“Therefore, in view of the given facts and circumstances of the present case, it is most humbly and respectfully prayed that this Hon'ble Court, may kindly be pleased to:

(i) Issue an appropriate writ, order and/or directions against the respondents and quash the punishment dated 15.09.2017/19.9.2017 and its approval, if any as they are violative of the principles of natural justice and fundamental rights of a petitioner as well as against the Prison Act 2000 and rules made thereunder;

(ii) Pass such other or further order/orders as this Hon'ble court may deem fit in the interest of Justice.”

2. Learned counsel appearing on behalf of the petitioner challenges the aforesaid punishment ticket dated 19.09.2017 on account of the fact that the latter was never heard at the time of passing the same and therefore, it



amounts to a violation of principles of natural justice. It is further submitted that the said punishment is covered under the category of “major punishment” and therefore, has consequences on the petitioner’s future applications for parole, furlough or before the Sentence Review Board.

3. Learned Special Counsel for the State submits that as per the status report, it is recorded that the petitioner was given a hearing at the time of passing of the punishment ticket. It is further stated that the *mulakat* was stopped for a period of 15 days and as per the prison rules, it would not be considered as a major punishment.

4. Be that as it may, with the consent of learned counsel appearing on behalf of the parties and without prejudice to their rights and contentions, the matter is remanded back to the concerned Jail Superintendent, who shall pass necessary orders after giving a due opportunity of hearing to the petitioner.

5. Needless to state, the concerned Jail Superintendent, after giving hearing to the present petitioner, shall pass necessary orders, in accordance with law. It is made clear that no opinion has been expressed on the merits of the case.

6. The petition is disposed of accordingly.

7. Pending applications, if any, also stand disposed of.

8. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

AMIT SHARMA, J

MARCH 01, 2024/sn