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

+ **W.P.(C) 2721/2024**

DEEPAK DABAS

..... Petitioner

Through: Mr. Abhinav Bhardwaj and Mr.
Kartik Sharma, Advocates.

versus

STATE (GNCTD) & ANR.

..... Respondents

Through: Mr. Divyam Nandrajog, Panel
Counsel with Ms. Surbhi Soni,
Advocate and SI Vijay Singh, PS
Kanjhawala.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
19.03.2024

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1. The Petitioner has approached this Court with the following prayer:-

“a. Issue a writ of mandamus directing the Respondent No.1 in consultation with the Respondent Director General of Prisons to allow the petitioner herein to have 5 minutes of Tele-Calling every day as envisaged in Natasha Narwal vs State of NCT Delhi SCC OnLine Del 770. So, the petitioner can be in touch with his old aged parents.”

2. A Status Report was called for in the matter. Status Report stands filed.

3. The Petitioner is accused of offences under the Maharashtra Control of Organized Crime Act, 1999 (MCOCA). It is stated that 25 FIRs have



been registered against the Petitioner including the offences under Sections 302, 307, 392 379, 457, 149, 120B IPC. The Petitioner is also accused of committing murder of an undertrial prisoner and gangster Tillu Tajpuria inside Central Jail No.8/9. The Status Report places reliance on Rules 589, 629, 630 and 631 of the Delhi Prison Rules, 2018, which read as under:-

““Privileges Contingent on Good Conduct

...

589. These privileges of interviews with visitors, and of writing letters, are contingent to good conduct. These privileges may be suspended or withdrawn by the Superintendent of prison on grounds of bad conduct.

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“Telephonic and Electronic communication

629. The Superintendent of Prisons may allow a prisoner the use of telephones or electronic modes of communication on payment, to contact his family, friends and lawyers, from time to time, in accordance with the instructions issued by Inspector General of Prisons & Guidelines. The Prisoner can use this facility under the supervision of the prison officer to be designated by the Superintendent. While permitting a prisoner the use of such facilities, the Superintendent shall ensure that such permission is not given to prisoners who have a record of unruly behavior and bad conduct.

630. The Inmate Phone call system shall be introduced in all the jails so that a prisoner may communicate with his family members through telephone as per order issued by Inspector General of Prisons from time to time. The telephone facilities will be available to all the inmates and shall be contingent upon the good



conduct of a prisoner. This facility can be withdrawn temporarily or permanently if any jail offence is committed by a prisoner during incarceration period or otherwise the telephone facility is found to be misused.

631. The prisoners who are involved in offences against the State, terrorist activities, Maharashtra Control of Organized Crime Act, National Security Advisor, Public Safety Act and otherwise involved in multiple heinous offences such as robbery, dacoity, murder, kidnapping for ransom etc., habitual jail rules offenders and who are frequently involved in assaulting co-inmates in the prison shall not be eligible for this facility in the interest of public safety and order. However, the Superintendent Jail will be empowered to take appropriate decision in individual case to case basis with the prior approval of Deputy Inspector General (Range).”

4. A perusal of Rule 631 indicates that prisoners who are involved in serious offences are not eligible for the E-Mulakat facility in the interest of public safety and order. However, the Jail Superintendant is empowered to take appropriate decision on case to case basis.
5. The Status Report also indicates that this facility is not taken away from any prisoner in case of an emergency and the Petitioner would be entitled to such benefit on a request and after considering the nature of the emergency by the concerned Superintendant.
6. Circulars have been issued from time to time regarding grant of E-Mulakat facility in Delhi prisons. Paragraph 6 of the Circular dated 26.12.2022, reads as under:-

“VI. As regards the inmates who are lodged in High Security Ward or falling under the prescribed category



of Rule 631 of Delhi Prisons Rules, 2018, the jail superintendent may take an appropriate decision to consider the request of E-Mulakat of such inmate(s) considering the jail conduct, involvement in criminal cases, length of time from when the inmate is not availing the physical interview and other suitable reasons as he thinks fit, on case to case basis. The recommendation of the Superintendent to allow this facility to such inmates will be implemented after the approval of DIG (Prisons). This facility will be allowed once in a week. The information of conducting E-Mulakat of these categories of prisoners shall be shared with the investigation agencies. The E-Mulakat of these categories of inmates will be held between 2:00 PM to 04:30 PM.”

7. In view of the facts stated in the Status Report, the number of cases and the seriousness of the cases in which the Petitioner has been involved, this Court does not find any reason to interfere and grant the Petitioner the prayers at this stage. However, it is always open for the Petitioner to make representations indicating the circumstances because of which the E-Mulakat facility should be granted to him and on such representation being filed, the Superintendent of Prisons is directed to consider the same at its own merits uninfluenced by the fact that this writ petition has been dismissed.

8. The petition is dismissed along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MARCH 19, 2024

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