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

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Date of decision: 23.02.2024+ **W.P.(CRL) 1981/2023****KULDEEP**

..... Petitioner

Through: **Mr. Sanjeev Kr. Balyan, Advocate**
with **Mr. Yash Yadav, Advocates.**

versus

STATE OF NCT OF DELHI

..... Respondent

Through: **Mr. Amol Sinha, ASC for the State.****CORAM:****HON'BLE MR. JUSTICE AMIT BANSAL****AMIT BANSAL, J. (ORAL)**

1. The present petition has been filed seeking quashing of the Punishment Ticket No.51 awarded to the petitioner on 13th February, 2018.

As per the Punishment Ticket, it is stated:

*"It has been reported by Sh. Ram Lal Shah, Asstt. Supdt. That at about 1920 Hrs the above said inmates namely **Kuldeep S/o Raja Singh** lodged in Ward No.02/02 went to Sh. Ram Lal Shah, Asstt. Supdt. And Sh. Ramesh Chand, Asstt. Supdt. And asked to make a call from Vodafone, but the official refused to make him call, after which the inmate lied to the official that he is a OPD Sewadar, When official got to know that the inmate is lying, the inmate started **arguing** and **misbehaving** with the official without any provocation and started **threatening** them that if they will not allow him to make call, then see what he will do with them.*

As per the Delhi Jail Manual-Chapter-V-Discipline of Prison-Part-C-Para 36(2) quarrelling with any prisoner, (10) Doing any act of using any language calculated to create to wound or offend the feeling and prejudices of a fellow prisoners, (11) Doing any act calculated to create

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any unnecessary alarm in the minds of the prisoners or officers of any prison, (28) Committing nuisance in any part of the prison and (41) Taking part in any attack upon any prisoner or officer of the Prison, constitute prison offenses.

As the inmate namely Kuldeep has violated the above-referred rules, he may be punished accordingly as per DJM.”

2. The petitioner was admitted in Central Jail No.10, Rohini, New Delhi, on 12th April, 2014, as an undertrial prisoner in FIR No.260/2014 under Sections 302/201 of the Indian Penal Code, 1860, registered at Police Station Dabri, Delhi.
3. Counsel appearing on behalf of the petitioner submits that the main grievance of the petitioner is that the Punishment Ticket was awarded without issuing the requisite notice. Further, the petitioner was not provided with a copy of the Punishment Ticket, which was forwarded to the concerned Inspecting Judge, as mandated in terms of Section 53 of the Delhi Prisons Act, 2000 and Rule 1272 of the Delhi Prisons Rules, 2018. In view of the aforesaid Punishment Ticket, the overall conduct of the petitioner in the Nominal Roll has been shown as unsatisfactory.
4. Counsel for the petitioner places reliance on the judgment of the Coordinate Bench in **Vipin Sharma v. State (Govt. of NCT of Delhi)**, 2022 SCC OnLine Del 4928.
5. Learned ASC appearing on behalf of the State opposes quashing of the Punishment Ticket. In the Status Report filed on behalf of the State, it is stated that the petitioner had misbehaved and threatened the jail officials. Consequently, the Punishment Ticket was raised wherein the petitioner was awarded the following punishment: *“Mulakat, Vodaphone (Mobile Phone) and Canteen facility to be stopped for 15 days.”*





6. The aforesaid Punishment Ticket was sent for judicial appraisal and the same was approved by the Jail-visiting Judge, Tis Hazari Courts.
7. I have heard the counsels for the parties and perused the material on record.
8. For the ease of convenience, the relevant portion of Section 53 of the Delhi Prison Act, 2000 is set out below:

“53. Procedure for conducting enquiries for the award of punishment:

(1) No prisoner shall be awarded any punishment under Section 47 unless he has been informed of the offence alleged against him and given a reasonable opportunity of being heard in Defense.

(2) No prisoner shall be punished twice for the same offence;

(3) Subject to the provisions of sub-section (1) and (2) above, the Superintendent may follow such procedure for the holding of enquiries including framing of charges against a prisoner, segregation of prisoners, pending enquiry, medical examination in case of enquiries, conduct of enquiry and other matter regarding request for appeal or revision, as may be prescribed.”

9. Reference may also be made to Rule 1272 of the Delhi Prison Rules, 2018, which is set out below:

“1272. For award of major punishment the prisoner should be given notice in writing, calling him to show cause with reference to the alleged violation of the Jail rules. The order of punishment should also be communicated to the concerned prisoner.”

10. It is the case of the petitioner that no due process was adopted by the Jail Authorities in as much as no show cause notice was issued to him.
11. The Status Report filed on behalf of the State is silent on the aspect of whether any notice was issued to the petitioner before awarding the Punishment Ticket.
12. The present case is squarely covered by the judgment of the





Coordinate Bench in **Vipin Sharma** (supra), wherein a punishment ticket was quashed for want of following the prescribed procedure. It was held that once the procedure for awarding the punishment has been prescribed, it has to be complied with in its true letter, spirit and intent. It was also observed that stopping ‘Mulakat’ is a major punishment. The relevant extracts from the aforesaid judgement are set out below:

“6. I am of the considered view that the stoppage of Mulakat is a major punishment. Once a procedure for awarding the punishment has been prescribed in the Delhi Prison Rules, the same shall be complied with in its true letter, spirit and intent. Rule 1272 mandates that before awarding the punishment, the prisoner should be given:

- (i) Written notice,
- (ii) Calling him to show cause with reference to alleged violation of the jail rules and
- (iii) The order of punishment to be communicated to concerned prisoner.

...

8. Showing of punishment ticket by no stretch of imagination can be said to be compliance of Rule 1272. The showing of punishment ticket is not akin to giving a show-cause notice. The show-cause notice requires that the prisoner/inmate should be put to notice and he must be informed in writing that he is required to respond to the charges levelled against him as well as the basis for those charges and the punishment which can be given to him in case his response is found unsatisfactory. The punishment ticket produced hereinabove has already found the petitioners guilty of violation of Prison Jail Rules. Only the punishment remained to be ascertained which has been done subsequently through the handwritten note. The punishment ticket, hence, is not a show-cause notice and the same falls foul of Rule 1272.”

13. In view of the discussion above, I am of the considered view that the Punishment Ticket has been awarded to the petitioner without following the procedure prescribed under the aforesaid provisions of the Delhi Prisons Act, 2000 and the Delhi Prisons Rules, 2018. The record reveals that no show cause notice was issued to the petitioner in terms of Rule 1272 before





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awarding the Punishment Ticket.

14. Accordingly, the present petition is allowed and the Punishment Ticket No.51 dated 13th February, 2018, is quashed.

AMIT BANSAL, J.

FEBRUARY 23, 2024

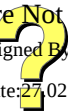
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