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

+ **W.P.(CRL) 3237/2023**

PRAMOD MANDAL

.....Petitioner

Through: Mr. Shannu Baghel, Mr. Sudhir Kumar, Mr. Vivek Kumar, Ms. Anita and Mr. Ganpat Ram, Advocates (through VC)

versus

STATE NCTD OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel with Mr. Abhinav Kumar, Advocate with SI Rahul Kumar, P.S: Adarsh Nagar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
12.09.2024

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1. The writ petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C has been filed to set aside the Punishment Ticket No. 417 dated 06.09.2021 and to include the entire period of Emergency Parole from 17.04.2020 till 05.09.2021 for consideration of premature Release of the petitioner and to send his name in the SRB as per Rules 1253 of Delhi Prison Rules.
2. The learned Prosecutor relies on the Status Report and submits that the petitioner was telephonically informed despite which he failed to surrender on the scheduled date of 06.03.2021 and he surrendered himself on 05.09.2021 i.e. after six months. A hearing was duly given by the Jail Superintendent before issuing the Punishment Ticket No.



417 dated 06.09.2021. It is submitted that the Punishment Ticket has been issued in accordance with the Jail Rules.

3. Submissions heard.

4. Though the respondent has claimed that the petitioner was duly informed telephonically, but neither any date nor the phone number/mobile number on which that information was conveyed to the petitioner about the date of surrender has been disclosed either in the Notice or in the Order of punishment or in the Status Report.

5. According to the petitioner he on his own had gone to the jail to inform about the date of surrender and was admitted in jail on 06.09.2021.

6. The respondent has failed to establish that they had duly conveyed the date of surrender which was flouted by the petitioner.

7. The Punishment Ticket is therefore, quashed.

8. The entire period of Emergency Parole from 17.04.2020 to 05.09.2021 i.e. 16 months and 18 days be accorded to the petitioner, in accordance with law.

NEENA BANSAL KRISHNA, J

SEPTEMBER 12, 2024/PU