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

+ **W.P.(CRL) 3786/2023**

ABDUL WAHID SAIT.

.....Petitioner

Through: **Mr. Talha Abdul Rahman, Advocate.**

versus

JAIL SUPERINTENDENT, CENTRAL JAIL-1 AND ANR

.....Respondents

Through: **Mr. Rahul Tyagi, ASC, Crl. with Mr. Sangeet Sibou, Mr. Jatin, Mr. Mathew M. Philip, Ms. Priya Rai & Mr. Abhishek Tomar, Advocates for State. CORAM:**

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

19.09.2024

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1. The present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioner seeking to quash and set aside the impugned Punishment Ticket dated 29.05.2023 *vide* which the petitioner was denied 10 days' canteen facility, and Judicial Appraisal dated 24.07.2023.
2. It is submitted that there was no power bank recovered from the possession of the petitioner, for which he has been punished *vide* Punishment Ticket dated 29.05.2023. It is also submitted that no Show-Cause Notice had been issued to the petitioner which is violative of the principle of natural justice.
3. It is further submitted that the Punishment Ticket dated 29.05.2023 *vide* which the petitioner was denied the canteen facility for a period of 10 days, is contrary to the Rules 1268 and 1269 of the Delhi Prison Rules, 2018.
4. Learned counsel for the petitioner in support of his contentions has



placed reliance on the decisions Vipin Sharma vs. State (NCT of Delhi), 2022 SCC OnLine Del 4928 and Kundan Singh vs. State (Govt. of NCT of Delhi), decided *vide* W.P.(CRL) 1849/2021 by this Court.

5. **The Status Report** dated 24.03.2023 has been filed by the Jail Superintendent, wherein it is submitted that a surprise search was conducted in Ward No. 4, Barrack No. 6 by the Search Team during which one inbuilt Data cable bag, black in colour, was recovered from the petitioner, which is a prohibited article in the jail as per the Delhi Prison Rules, 2018. Therefore, the petitioner was awarded the Punishment Ticket dated 29.05.2023 and the same had been confirmed by the learned District and Sessions Judge *vide* Judicial Appraisal dated 24.07.2023.

6. Learned Additional Standing Counsel on behalf of the respondent submits that it is the “Power Bank” which is a prohibited article, but here it was the USB socket inbuilt in the bag of the petitioner.

7. **Submissions heard.**

8. It is evident that no “Power Bank” was recovered from the possession of the petitioner, but it was only an inbuilt USB socket in the bag of the petitioner.

9. In view of above, no offence had been committed by the petitioner.

10. Accordingly, the Punishment Ticket dated 29.05.2023 and Judicial Appraisal dated 24.07.2023 are hereby quashed and set aside.

11. The petition is disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 19, 2024

S.Sharma