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

+ **W.P.(CRL) 3484/2024**

RANA PRATAP SINGH

.....Petitioner

Through: **Mr. Rohan J. Alva, Advocate**
(DHCLSC) *via* video-conferencing.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: **Mr. Yasir Rauf Ansari, ASC for the**
State with Mr. Alok Sharma, Mr.
Vasu Agarwal, Mr. Mohit Raj Nagar,
Advocates and SI Dharamvir, P.S.:
Chhawla.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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08.11.2024

CRL.M.A. 33534/2024

Exemption granted, subject to just exceptions.

The application stands disposed-of.

W.P.(CRL) 3484/2024

By way of the present petition filed under Article 226 of the Constitution of India read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner, who is a life convict serving sentence for conviction under section 302 of the Indian Penal Code, 1860 read with sections 46/16(D)/40 of the Border Security Force Act 1968, challenges a Punishment Ticket bearing No.63 dated 13.05.2014, whereby he was awarded prison punishment of withdrawal of *canteen and phone facilities for 02 weeks*.

2. The punishment was awarded since the petitioner was found in possession of a currency note of Rs.1000/- in his pocket, which is



against prison rules. The currency note was seized and was directed to be deposited into the government's account.

3. Mr. Rohan J. Alva, learned counsel for the petitioner submits that though the petitioner has already served the prison punishment awarded to him, the present petition has been filed since the existence of the punishment ticket on the petitioner's file affects the petitioner's overall jail record; and would likely affect his case for premature release subsequently before the Sentence Review Board.
4. Mr. Alva argues that the punishment awarded is *per se* illegal inasmuch as the Delhi Prisons Act, 2000 does not allow the authorities to award 02 punishments for the same infraction; and in this case both canteen *and* phone facilities of the petitioner were withdrawn for a period of 02 weeks.
5. Mr. Alva submits that the petitioner has already served more than 15 years of actual custody, and adding the remission of about 03 years and 09 months earned by him, the petitioner's total period of custody adds-up to about 19 years of judicial custody.
6. In the opinion of this court however, apart from the fact that the present petition has been filed *more than 10 years* after the punishment ticket was awarded, Nominal Roll dated 26.10.2024 received from the Jail Superintendent shows that the petitioner has subsequently been granted interim bail/parole/furlough on no less than 10 occasions; and therefore, the punishment ticket has evidently not affected the grant of relief such as interim bail/parole/furlough to the petitioner.
7. Insofar as the question of affecting his possible premature release is concerned, in the opinion of this court that apprehension also appears



somewhat premature, since the petitioner would be able to challenge any decision relating to his premature release subsequently, if such decision is affected by the subject punishment ticket.

8. In any event considering that the present petition suffers from serious and unexplained delay and latches, this court is not inclined to entertain the petition, which is accordingly dismissed *in-limine*.
9. It may be reiterated that the petitioner shall be at liberty to file for appropriate relief if the punishment ticket affects the outcome of his application for premature release at a subsequent date.
10. The petition stands disposed-of.
11. Pending applications, if any, stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 8, 2024

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