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

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+ W.P.(C) 10437/2017, CM APPL. 13389/2019, CM APPL. 43642/2019, CM APPL. 53784/2019 & CM APPL. 19114/2021.

CHINMAY KANOJIA

.....Petitioner

Through: Mr. Sanawar, Mr. Jattin, Ms. Nujhat
Naseem and Ms. Sadiya, Advocates
for P-2 to 6
Petitioner No.1 in person.

versus

CENTRAL JAIL, TIHAR THROUGH ITS DIRECTOR GENERAL
AND ANR.

.....Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD
with Mr. Yash Upadhyay and Mr.
Siddhant Dutt, Advocates for R-1
Ms. Anubha Bhardwaj, SPP, CBI
with Mr. Ujjwal Chaudhary and Mr.
Vishal Sharma, Advocates for CBI.

(16)

+ W.P.(C) 2975/2018

COURT ON ITS OWN MOTION

.....Petitioner

Through:

versus

GENERAL (PRISONS) & ORS.

.....Respondents

Through: Ms. Anubha Bhardwaj, SPP, CBI
with Mr. Ujjwal Chaudhary and Mr.
Vishal Sharma, Advocates for CBI.



(17)

+ W.P.(C) 2993/2018

COURT ON ITS OWN MOTION

.....Petitioner

Through:

versus

DIRECTOR GENERAL (PRISONS) & ANR.Respondents

Through: Ms. Anubha Bhardwaj, SPP, CBI
with Mr. Ujjwal Chaudhary and Mr.
Vishal Sharma, Advocates for CBI

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

12.08.2024

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1. W.P. (C) 10437-2017 has been filed seeking constitution of a high-level judicial enquiry into the incidents of 21st November, 2017 at the high-risk cell of Tihar jail number 1 and to examine the repeated incidents of violence against the prisoners belonging to a particular religion, especially from Kashmir.
2. W.P. (C) 2975-2018 and W.P. (C) 2993-2018 are *suo moto* writ petitions registered on the basis of letters from inmates of high security jail number 3 and jail number 1 of Tihar Jail, highlighting the incidents of abuse by other inmates and jail authorities.
3. A perusal of the record reveals that this Court, vide its Order dated 23rd November, 2017 had directed the inspection of Tihar Jail No. 1 by a committee comprising Registrar (Appellate), Joint Registrar (Judicial) and a legal aid advocate. The report dated 27th November, 2017 furnished by the



committee disclosed that 18 inmates of jail number 1 had sustained injuries on the intervening night of 21st /22nd November, 2017.

4. Thereafter, this Court vide its Order dated 27th November, 2017 directed constitution of a fact finding committee comprising the then District Judge (South-West), a professor from National Law University, Delhi and an advocate from Legal Services Committee. The said fact finding committee filed its report dated 3rd February, 2018.

5. Subsequently, this Court vide its order dated 15th May, 2018 directed enquiry by the Central Bureau of Investigation.

6. This Court has perused the status report dated 7th August, 2021 filed on behalf of the CBI, which reveals that CBI filed a closure report in RC-33(S)/2018/CBI/SC-III/New Delhi. The CBI found that the inmates created hurdle in performance of public duty, which led to a scuffle between the jail authorities and the inmates in jail number 1. It has also been stated in the status report that Self Contained Note has been sent to Director General, Prisons, NCT of Delhi regarding improvement of prison facilities and staff.

7. In view of the fact that CBI has carried out further enquiry which has led to filing of a closure report, the present writ petitions are disposed of with liberty to the petitioner /aggrieved persons to file a protest petition against the closure report, if they so desire, in accordance with law.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

AUGUST 12, 2024

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