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

+ **W.P.(CRL) 3888/2024**

MAMTA

.....Petitioner

Through: Mr. Ankit Rana, Ms. Riya Rana and
Mr. Tushar Advocates *via* video-
conferencing.

versus

THE STATE GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Rahul Tyagi, ASC for the State
with Insp. Bijay Kumar, P.S. Bawana.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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13.12.2024

CRL.M.A. 37535/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

W.P.(CRL) 3888/2024

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 seeks direction to the respondent *not* to transfer her from Central Jail No. 6, Tihar, Delhi to Central Jail No. 16, Mandoli, Delhi.

2. Mr. Ankit Rana, learned counsel appearing for the petitioner *via* video-conferencing submits, that the petitioner and her husband are both under trial prisoners who are accused in case FIR No. 0379/2023 dated 28.04.2023 registered under sections 302/323/34 of the Indian



Penal Code, 1860 and sections 25/27 of the Arms Act, 1959 at P.S.: Bawana, Delhi.

3. Mr. Rana submits, that at present, both the petitioner and her husband are housed in Tihar Jail, Delhi but as part of de-congestion exercise by the State, the petitioner is being sought to be transferred to Mandoli Jail, Delhi, which would make it difficult for their child to meet them at the time of *mulakat*.
4. Issue notice.
5. Mr. Rahul Tyagi, learned ASC (Criminal) appears on behalf of the State on advance copy; accepts notice; and submits that in view of the prayer made, the concerned Jail Authorities will consider the case of the petitioner compassionately so as not to transfer her out of the jail where she is presently housed.
6. Learned ASC submits, that the present petition be disposed-of referring the same to the Jail Authorities as a representation made on behalf of the petitioner.
7. Mr. Rana submits, that they are agreeable to this course of action.
8. In view of the above, the present petition is directed to be placed before the concerned Jail Authorities as a representation made on behalf of the petitioner and the representation is to be considered sympathetically.
9. Let the decision on the representation be taken and communicated to the petitioner in writing within 02 weeks.
10. The petition is accordingly disposed-of, in the above terms.
11. Pending applications, if any, also stand disposed-of.



12. Let a copy of this order sent to the concerned Jail Superintendent *forthwith* for information and compliance.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 13, 2024

V.Rawat