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

+ **W.P.(CRL) 638/2025 & CRL.M.A. 5923/2025 STAY**

STATE

.....Petitioner

Through: Mr. Sanjeev Bhandari, Additional
Standing Counsel with Mr. Arjit
Sharma & Mr. Nikunj Bindal,
Advocates
Mr. Sameer Yadav, Law Officer,
Central Jail No. 13, Mandoli Prisons.

versus

SUKASH CHANDER SHEKHER @ SUKESHRespondent

Through: Mr. Anant Malik, Ms. Nikita
Bhardwaj, Ms. Isha Tripathi & Mr.
Shobhan Sachdeva, Advocates

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER
17.03.2025

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1. The present petition filed under Article 226 & 227 of the Constitution of India read with Section 528 of Bhartiya Nagarik Suraksha Sanhita [“BNSS”] seeking quashing of order dated 14.01.2025, passed by the learned District Judge (Jail Visiting Judge) on a Letter No. SCJ-13/AS (UT)/2024/8699 dated 17.12.2024, whereby, the learned Jail Inspecting Judge issued directions to the petitioner to install a room heater in the cell of the respondent.

2. Learned counsel for the petitioner submits that the impugned order has been passed without calling for any report from the jail authorities, so much so, jail authorities were not heard and the order was passed at the back



of the petitioner. It is further submitted that no due procedure has been followed by the learned Inspecting Judge and passing of such order shall set a bad precedent to be followed in the other cases.

3. The impugned order reads as under:-

“ Heard. The applicant stated that RMO issued an order dated 03.01.2025 to provide, *inter alia*, room heater to the inmates in view of extreme cold. He stated that the jail authorities are not providing room heater to him. In that view, Jail Superintendent, Central Jail No. 13, Mandoli, Delhi is directed to install a room heater immediately on receipt of this order in the cell of the applicant and submit a compliance report. A copy of order be sent to Jail Superintendent Central Jail No. 13, Mandoli, Delhi as well as the applicant for information and immediate compliance.”

4. The learned counsel for the respondent has drawn the attention of the Court to a Circular dated 03.01.2025 issued by Resident Medical Officer, Central Jail Hospital, Mandoli, by which, the RMO recommended that room heaters be provided to the inmates due to severe cold conditions. Learned counsel for the respondent, in all fairness, submits that in compliance with the order dated 14.01.2025, the jail authorities provided room heater to the respondent, and now, the same has been taken back after the winters are over. He submits that there is no illegality or perversity in the impugned order, and therefore, the petition is liable to be dismissed.

5. A perusal of the record reveals that respondent made a request on 20.12.2024 to the RMO for room heater and on such application, RMO recommended that room heater be provided to the respondent till the winter.

6. Admittedly, the impugned order dated 14.01.2025 does not reveal that any report was called from the Jail Superintendent before passing of such an order or even if, any notice of such a request made was given to the jail authorities. Notwithstanding the same, the fact remains that the jail authorities have duly complied with the said order and has taken back the



room heater since the winter period is over. Thus, the present petition, impugning the order dated 14.01.2025, has since become infructuous.

7. However, before parting, it is directed that the order dated 14.01.2025 may not be used as a precedent in future as the same was passed by the Court without hearing the Jail Superintendent. The trial courts/Jail Visiting Judges are directed to consider such requests and pass appropriate orders following due procedure.

8. Petition is accordingly disposed of.

RAVINDER DUDEJA, J.

MARCH 17, 2025

RM/r