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

+ CRL.M.C. 1371/2025, CRL.M.A. 6034/2025

STATE THROUGH OFFICE DIRECTOR GENERAL OF PRISONS

Through: Mr. Shoaib Haider, Ld. APP for State  
with SI Amit Kumar ISC Crime Branch.

.....Petitioner

versus

ABDUL NASIR ALIAS NASIR IQBAL

Through: Mr. Akash Gahlot, Advocate.  
Mr. Jitendera Law Officer Central Jail  
No.03

.....Respondent

**CORAM:**  
**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**  
**27.03.2025**

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1. A Petition under Section 528 BNSS has been filed by the State against the Order dated 29.10.2024 and 04.12.2024 vide which the Respondent who is a Under Trial Prisoner for the offence under Section 3/4 MACOC Act P.S. Crime Branch has been directed to be provided with Electric Kettle keeping in view of his medical indications.

2. It is submitted on behalf of the Petitioner that water generally is provided from the *lunger* and the medical condition of the Respondent is not such which merit the providing of an Electric Kettle and, therefore, the impugned Order is sought to be set aside.

3. **Learned counsel on behalf of the Respondent** has submitted that this is not a standalone case, but there are many cases where Electric Kettle depending upon the medical condition of the inmates, have been provided. However, the Jail Superintendent for whatever reasons is taking personal issues with the Respondent and though earlier he had agreed to provide mattress, but that facility also has not been provided. Considering the medical condition of the Respondent and also that similar



facility has been provided to the other inmates, there is no merit in the present Petition, which is liable to be dismissed.

4. The **interim Status Report** has been received from the Jail Superintendent who has explained that though rarely but of tiems, inmates of High Security Ward have been provided Electric Kettle only on recommendations of Medical Officer for limited/finite period of time on medical grounds only and the recommendations are reviewed from time to time. Pertinently, inmates prescribed access to hot water on medical grounds, are normally provided hot water from *lunger* (kitchen) or Induction kept in both block of High Security Ward. Pursuant to or in exceptional conditions, Trial Courts also order for a few inmates to keep Electric Kettle with them for the period of medical illness. This is done when access for hot water fermentation or gargling is required at night.

5. It is submitted that at present, all other Electric Kettles in High Security Wards have been seized and have sent for further Medical Review. In the light of the present Order, the Jail Authorities are examining /reviewing the permission or medical recommendations of other prisoners of Jail who are lodged in other General Wards.

6. It is submitted that the Respondent is a gangster lodged in High Security Ward and does not have any medical indication for use of Electric Kettle. Further time of two weeks is sought to submit the detailed Report in respect of the General Ward.

7. **Submissions heard and record perused.**

8. The Petitioner is a Under Trial Prisoner for the offence under Section 3/4 MACOC Act and is lodged in High Security Ward. According to him he is taking treatment for “Sinusitis” and “Piles” for which he requires an Electric Kettle.

9. The Medical Report from the Senior Medical Officer dated 09.09.2024 stated that inmate is suffering from F/U/C Fisher in NO with low backache with radiculopathy. It was further stated that there is no medical indication for use of Electric Kettle nor has the same been advised by the treating Doctor.

10. The subsequent Report of Sr. Medical Officer dated 26.11.2024 records that the Applicant was taking treatment for “Sinusitis” in the year 2022. He is also taking treatment for Piles from Jail visiting Surgeon from DDU Hospital as well as



Department of Surgery, DDU Hospital on regular basis. He also took “Sclerotherapy Treatment” for Piles from Department of Surgery on 16.06.2023 as well as 05.11.2024. Previously Surgeon had advised him for Sitz bath (hot water formentation) for Piles treatment for which hot water has been allowed from jail kitchen.

11. It is further stated that there is neither any medical indication for use of an Electric Kettle nor has it been advised by any treating Doctor. His present general medical condition is reported to be stable and he has been provided all prescribed treatment from Jail Dispensary.

12. From the medical record, it is evident that the Applicant has been undergoing treatment for Piles for some time. What had been recommended to him was hot water Formentation. It has been stated on behalf of the Respondent that the hot water is being made available to the Applicant, from the *lunger*.

13. There is no medical indication that he needs to have an Electric Kettle for providing him with hot water for his treatment. In the absence of there being any medical indication of imperative requirement of Electric Kettle, the impugned Order is hereby set aside with the directions that the Jail Authorities shall continue to provide the Respondent hot water from the *lunger*, as and when required. However, it has been clarified that if in future the medical condition of the Applicant requires providing of Electric Kettle or any other treatment, the same be considered by the Jail Authorities in accordance with the Jail Rules.

14. The Petition is accordingly disposed of.

**NEENA BANSAL KRISHNA, J**

**MARCH 27, 2025/va**