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

+ **W.P.(CRL) 666/2025**

RIYAZ KHAN @RIYAZ@GANDA@SONU.....Petitioner

Through: Mr. Gautam Khazanchi
and Ms. Suruchi Jaiswal,
Advts.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms.Rupali Bandhopadhyia,
ASC for the State with Mr.
Abhijeet Kumar, Adv.
with Insp. Brij Mohan,
SHO, ODRS and ASI
Rakesh Kumar, PS Old
Delhi Railway Station.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **24.04.2025**

1. The present petition is filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking issuance of writ of certiorari for quashing the Punishment Ticket No. 389 dated 02.05.2023 issued by the Jail Authorities.

2. The petitioner, who is presently undergoing imprisonment for life in FIR No. 141/2008, registered at Police Station Old Delhi Railway Station for offences under Sections 302/307/394/397/34 of the Indian Penal Code, 1860 ('IPC') challenges the said punishment, contending that it adversely affects his rights, including entitlement to remission and furlough.

3. It is the case of the petitioner that the impugned



punishment ticket was awarded without adherence to the due process prescribed under the Delhi Prison Rules, 2018 and the Delhi Prison Act, 2000. The learned counsel for the petitioner submits that no proper show cause notice was served upon the petitioner, he was not afforded an adequate opportunity to defend himself before the Jail Superintendent, and the punishment order was not communicated to him in compliance with the mandatory procedure. The petitioner contended that the violation of such procedural safeguards vitiates the punishment and renders it liable to be quashed.

4. *Per contra*, the learned Additional Standing Counsel ('ASC') for the State submits that all procedures contemplated under the Delhi Prison Rules, 2018 were duly followed in the present case. It is pointed out that while the initial punishment ticket was returned by the learned Principal District and Sessions Judge pointing out certain deficiencies, these deficiencies were duly rectified. Fresh show cause notices dated 03.07.2023 and 24.07.2023 were issued to the petitioner and other concerned inmates. Thereafter, judicial appraisal of the punishment was duly sought and obtained.

5. The learned ASC points out that the petitioner has failed to disclose these material facts in his petition and has deliberately misled the Court, thereby disentiing himself from any relief under the extraordinary discretionary jurisdiction of this Court.

6. The short question that falls for consideration is whether the issuance of the Punishment Ticket No. 389 dated 02.05.2023 suffers from any procedural infirmity so as to warrant interference by this Court in exercise of its extraordinary jurisdiction.



7. At the outset, it may be noted that Rules 1272 and 1273 of the Delhi Prison Rules, 2018 lay down the mandatory procedure for imposition of major punishments upon prisoners. The same are reproduced as under:

“1272. For award of major punishment the prisoner should be given notice in writing, calling him to show cause with reference to the alleged violation of the Jail rules. The order of punishment should also be communicated to the concerned prisoner.

1273. The Superintendent shall hold an inquiry touching every prison offence committed or alleged to have been committed by a prisoner in the prison in a quasi-judicial manner recording the statements of all concerned witnesses, giving full opportunity to the offender for his defense. Confessional statements of the offender should also be recorded in the presence of two witnesses. Findings and punishment in the manner provided in law should be recorded after applying judicious mind by the Superintendent in his own hand in the prisoner's history ticket. The complete enquiry file, findings and the punishment awarded shall be immediately forwarded to the District and Sessions Judge for obtaining judicial appraisal in all cases except in cases of formal warning. Where such information, on account of exigency is difficult to be forwarded immediately, be given within 2 days of finding. The Superintendent shall satisfy himself that every punishment so ordered, is duly carried into effect in accordance with law: Provided that the Superintendent, at any time, if physically incapacitated from making such record, cause the same to be made in his presence and under his directions.”

8. In the present case, the record reveals that although the initial punishment ticket was returned by the learned Principal District and Sessions Judge for rectification of deficiencies, the Jail Authorities duly complied with the observations made. Fresh show cause notices dated 03.07.2023 and 24.07.2023 were issued to the petitioner and other co-inmates, which were duly served. The petitioner, despite receiving the notice, chose not to file any written reply. Nevertheless, he was afforded an opportunity for personal hearing in the presence of the Deputy Superintendent of the concerned jail, during which the petitioner admitted to the



commission of the violation. The punishment proposed was duly explained to him. Thereafter, the revised punishment ticket along with the record of inquiry was forwarded for judicial appraisal, which was granted. Thus, all procedural requirements under the Delhi Prison Rules, 2018 stand duly fulfilled.

9. The contention of the learned counsel for the petitioner that no due process was followed is, therefore, factually incorrect. More significantly, the petitioner has failed to disclose in the present petition that fresh notices were issued, personal hearing was granted, and that he admitted to the violation during such hearing. This material suppression of facts disentitles the petitioner to any relief under the discretionary jurisdiction of this Court. It is well settled that a litigant approaching the Court under Article 226 of the Constitution of India must do so with utmost candour and full disclosure of all material facts. Selective narration of facts and concealment of material particulars is sufficient ground for dismissal of the writ petition.

10. In view of the above, this Court is of the considered opinion that the issuance of Punishment Ticket No. 389 does not suffer from any illegality, procedural infirmity, or violation of natural justice. No case for interference is made out.

11. The present petition is dismissed in the aforesaid terms.

AMIT MAHAJAN, J

APRIL 24, 2025