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

+ **W.P.(CRL) 863/2025, CRL.M.A. 8044/2025**

MANOJ

.....Petitioner

Through: Ms. Gayatri Nandwani and
Ms. Mudita Sharda, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, SC with Ms. Priyam
Agrawal, Advocate for State with
Mr. Tarun Kumar, SI, PS-Sadar
Bazar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

17.03.2025

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1. The present petition filed under Article 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks quashing of the punishment ticket dated 14th October, 2024¹ issued by the Jail Superintendent, Central Jail No. 02, Tihar. The Petitioner has been convicted in proceedings arising out of FIR No. 81/2010 registered under Sections 302/34 of the Indian Penal Code, 1860 at P.S. Sadar Bazar.

2. Issue notice. Mr. Sanjay Lao, SC, accepts notice.

3. The impugned punishment ticket reads as follows:

¹ “the impugned punishment ticket”



ANNEXURE - P1

CENTRAL JAIL NO. 02, TIHAR
UNDERTRIAL/CONVICT PUNISHMENT TICKET

NAME & PARENTAGE: **1. Manoj s/o Ashok**

PUNISHMENT NO.

PUNISHMENT DATED **11/09/24**

WARD NO.:

PUNISHMENT DETAILS

Convict Manoj s/o Ashok was released on 03.07.2024 on Furlough for a period of 02 Weeks. His date of surrender was fixed for 18.07.2024. Vide order dated 19.07.2024 the Hon'ble Supreme Court of India in W. P. (Crl.) No. 296/2024 pleased to grant time to him to surrender till 06.09.2024. Thereafter, the Hon'ble Supreme Court did not pass any order regarding extension of Furlough, however, the said convict did not surrender on due date and surrendered on 11.09.2024. The convict Manoj s/o Ashok failed to surrender on 18.07.2024 and thereafter on 06.09.2024.

Such act of not surrendering in jail in time after expiry of Furlough, on the part of convict Manoj s/o Ashok, is a violation of prison rules. Hence, he may be punished as per provisions of Delhi Jail Manual.

Submitted please.

Dy. Supdt. *[Signature]* SC-2 *[Signature]* Asstt. Supdt.

Heard in presence of Asl. As Inmate submitted that he himself surrendered at jail and his delay of 3-4 days to surrender, caused mainly due to mis-information/wrong information by his advocate as his case was taken up for 10-09-24.

He is warned to remain careful in future.

[Signature]
14/9/24

4. Ms. Gayatri Nandwani, counsel for Petitioner, argues that the delay on the part of the Petitioner in surrendering was entirely inadvertent and based on a wrong understanding of the legal position. It is pointed out that on 19th July, 2024, the Supreme Court, in W.P. (Crl.) 296/2024, had allowed the Petitioner, time to surrender till the next returnable date which was 6th September, 2024. On the said returnable date, the Supreme Court adjourned the matter to 10th September, 2024 giving liberty to the State to file additional documents. However, on 10th September, 2024, the petition was



dismissed. The Petitioner immediately surrendered on the next day i.e. on 11th September, 2024, after being apprised of the said order through his counsel.

5. Ms. Nandwani further submits that there was no wilful intent on the part of the Petitioner in delaying his surrender and this small infraction is only on account of miscommunication between him and the counsel that Petitioner was required to surrender on 6th September, 2024.

6. On the other hand, counsel for State, submits that since evidently there has been a delay on the part of the Petitioner in surrendering, the punishment ticket has been rightly issued. The Supreme Court did not pass any order regarding extension of furlough and the Petitioner was required to surrender on the due date. Evidently, there has been a delay in surrendering and therefore, the impugned punishment ticket calls for no interference.

7. The Court has considered the afore-noted contentions. The impugned punishment ticket arises from the lapse on the part of the Petitioner as there was a delay of 4 days in his part in surrendering. This, as explained by the Petitioner, has occurred on account of peculiar circumstances where apparently the Petitioner was not properly advised by his counsel that he was required to surrender on 6th September, 2024. The order dated 10th September, 2024 was communicated to him at 7:30 PM and the Petitioner then surrendered promptly on 11th September, 2024.

8. Since, the Petitioner has voluntarily surrendered immediately on becoming aware that he could no longer continue on furlough, he has exhibited intent to not misuse the liberty granted.

9. In light of the foregoing, the request made in the present petition is allowed and the punishment ticket dated 14th October, 2024 is hereby set



aside.

10. Accordingly, the present petition is allowed in the aforesaid terms.

SANJEEV NARULA, J

MARCH 17, 2025

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