



\$~71

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

+ **W.P.(CRL) 2378/2023**

RANA PRATAP SINGH

.....Petitioner

Through: Mr. Ashutosh Kaushik and Mr.
Gautam Yadav, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Ms. Rupali Bandhopadhyaya, ASC with
Mr. Abhijeet Kumar, Advocate for
the State.
SI Dharamveer, PS: Chhawla.
HC J. K. Mishra, BSF for UOI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

22.04.2025

CRL.M.A. 12017/2025(seeking early hearing)

1. For the grounds and reasons stated in the application, the same is allowed. With the consent of the counsel for parties, the main petition is taken up for final hearing today itself.

2. Disposed of.

W.P.(CRL) 2378/2023

3. The Petitioner is currently serving a sentence for life imprisonment awarded by order dated 28th October, 2009, in connection with FIR No. GSFC, registered under Section 302 of the Indian Penal Code, 1860, and Sections 46/16D/40 of the Border Security Force Act, 1968, at Police



Station 23rd BN BSF. By way of the present petition, under Article 226 of the Constitution of India, 1950, Petitioner assails order dated 21st March, 2023¹ passed by the Jail Superintendent, whereby punishment tickets No. 257 dated 4th August, 2022 and No. 261 dated 10th August, 2022, have been upheld. These punishment tickets resulted in the withdrawal of certain privileges, including access to the canteen and *Mulakat*.

4. The Petitioner had previously approached this Court in W.P. (CRL.) 2434/2022, seeking the quashing of the impugned punishment tickets on the ground of non-compliance with Rules 1272 and 1273 of the Delhi Prison Rules, 2018 as he was not afforded an opportunity to present his defence before the Jail Superintendent. That petition was disposed of by order dated 13th February, 2023, directing the Jail Superintendent to rehear the Petitioner and pass an order after recording his defence. Pursuant to the said directions, the Jail Superintendent, reaffirmed the validity of the punishment tickets by the impugned order dated 21st March, 2023.

5. Aggrieved by the above decision, the instant petition has been filed seeking quashing of the punishment tickets.

6. Mr. Ashutosh Kaushik, counsel for Petitioner, argues that the impugned order is vague, based on unsubstantiated allegations and suffers from non-application of judicial mind. In support of this contention, he submits as follows:

6.1. As regards punishment ticket No. 257, it is contended that the Petitioner, who was working as a *Legal Sahayak* at Central Jail-11, Mandoli, had an altercation with an undertrial inmate, Chandan, who was temporarily

¹ “the impugned order”



assigned to the legal aid cell for housekeeping duties. Upon Chandan's refusal to perform his duties, the Petitioner asked him to leave. Being offended by the same, Chandan allegedly responded with abusive language. The Petitioner placed his hand on Chandan's shoulder and asked him to report to the AS, Control Room. At this point, Chandan allegedly pushed the Petitioner, who then, in a defensive gesture, inadvertently pushed him away and tried to produce him before the AS, Control Room. Subsequently, Chandan lodged a false complaint. A similar non-violent incident occurred with another inmate, Ayush, who also made a false complaint after being asked to perform his duties more diligently. However, there was no physical scuffle between the Petitioner and Ayush.

6.2. There is no CCTV footage or medical report available to support the incident dated 4th August, 2022.

6.3. Punishment ticket No. 261 has been issued solely out of vindictiveness following the incident dated 4th August, 2022 when he visited the GTB Hospital, Shahdara for treatment for the alleged injuries caused during the scuffle with Chandan. The said ticket has been issued on the basis of a false Kalandra alleging that the Petitioner misbehaved with one Dr. Ritika at the GTB Hospital.

6.4. On 15th April, 2023, the Petitioner filed an application under the Right to Information Act, 2005² with GTB Hospital. In response, the hospital confirmed on 1st May, 2023, that no doctor named 'Dr. Ritika' was on duty in the Orthopaedics Department on the relevant date.

7. Ms. Rupali Bandhopadhyia, ASC for the State, strongly opposes the

² "RTI Act"



present petition. She submits that punishment ticket No. 257 was issued was issued after the Petitioner assaulted inmates Chandan and Ayush and used abusive language. Ticket No. 261 was based on a *Kalandra* registered under Sections 46/47 of the Delhi Prisons Act, 2000, *vide* DD No. 38A dated 6th August, 2022. Ticket No. 261 was issued for allegedly misbehaving with a doctor and refusing to undergo an X-ray. Both tickets, she asserts, were issued after following the procedure prescribed in the Delhi Prison Rules, 2018. As regards non-availability of CCTV footage, she submits that there is a possibility that the CCTV footage was preserved on a CPU, which is currently not working. For this purpose, the Senior System Analyst has been instructed to repair the CPU to recover the footage.

8. The Court has considered the aforementioned contentions. As per the Nominal Roll, as on 15th June, 2023, Petitioner has been in custody for 13 years, 8 months and 6 days and has earned a remission of 3 years, 4 months and 18 days.

9. The impugned order passed in compliance with the directions in W.P. (CRL.) 2434/2022 reads as follows:

“ORDER

Whereas, vide order dated 13.02.2023 in W.P. (CrI.) no. 2434/2022 & CrI. M. A. 26728/2022 it had been directed by the Hon'ble High Court of Delhi to the undersigned to give re-hearing to the petitioner/convict Rana Pratap s/o Mukhtiyar and record his defense on the punishments 0257 and 0261 dated 04.08.2022 and 06.08.2022 respectively and return a finding in accordance with law and procedure.

Whereas, during the month of August 2022 convict Rana Pratap s/o Mukhtiyar was lodged in CJ-11 where two punishment tickets no. 0257 and 0261 dated 04.08.2022 and 06.08.2022 respectively were recorded against him. Punishment No. 0257 dated was recorded for beating other co-inmates namely chandan s/o Suresh and Ayush s/o Ashok on some trivial issue and using filthy language with them. Further, punishment no. 0261 dated



06.08.2022 was recorded on the basis of Kalandra U/S 46/47 Delhi Prison Act vide DD No. 38-A dated 06.08.2022 from 3rd Bn. DAP Mandoli Jail for misbehaving with on duty Doctor at GTB Hospital and refusal to get done his X-ray.

Whereas, in pursuance of said order Notice under Rule 1272 of Delhi Prison Rules 2018 vide no. 1111 dated 22.02.2023 was prepared to served upon to convict Rana Pratap s/o Mukhtiyar Singh to submit his defense on said two punishments. However, he refused to receive the said Notice. He received the said Notice after 02 days and submitted his reply dated 25.02.2023 wherein submitted that “neither any notice was served to him in CJ-11 Mandoli nor he had been informed as to which prison rule is violated by him. Even in the present Notice, his offence has not been clarified and requested to clarify the same”.

Whereas, hearing of the matter was fixed for 06.03.2023. Notices were issued to all the concerned officers i.e. Sh. Mahaveer Meena, Dy. Supdt., Sh. Umesh, Asstt. Supdt., sh. Manjeet Asstt. Supdt. and Sh. Naresh, Asstt. Supdt. who signed the said punishment tickets. On 06.03.2023, during hearing, all concerned officers were present and all of them stated that convict Rana Pratap is a nuisance causing inmate, the contents of punishment tickets are correct and the punishments are correctly recorded against him. Contents of punishment tickets were read over to convict Rana Pratap s/o Mukhtiyar Singh and he was directed to submit his reply on 09.03.2023 and the next date of hearing was fixed for 10.03.2023.

Whereas, convict Rana Pratap s/o Mukhtiyar Singh submitted his reply on 09.02.2023 wherein he submitted that he did not beat either to inmate Chandan s/o Suresh or to Ayush s/o Ashok and there is no medical report of either of the inmates to prove any such beating. He has further submitted that he did not misbehaved with any doctor because the with whom he misbehaved was posted in ENT department instead of Ortho department. These punishments have been raised, against him to take revenge by Sh. Jai Singh, Dy. Supdt., as he overheard the directions of Sh. Jai Singh not to get done MLC and police compliant against the beatings given by Sh. Jai Singh. Further, the Kalandra regarding misbehave with the doctor was made by the Police for his objection to put on handcuffs to him at the time of MLC.

Whereas, written statements of complaints i.e. inmate namely Chandan s/o Suresh and Ayush s/o Ashok, enclosed with the punishment ticket no. 0257 dated 04.08.2022 were also gone through wherein inmate Chandan s/o Suresh has stated that about beating by convict Rana Pratap s/o Mukhtiyar Singh. Inmate Ayush s/o Ashok has not stated about any beating by Rana Pratap, however he has stated about use of abusive language and mental



torture by Rana Pratap. Further, in respect of punishment no. 0261 dated 06.08.2022, True copy of DD No. 38-A dated 06.08.2022 on the statement of SI Rajneesh No. 2330-D and Kalandra U/S 46/47 Delhi Police Act are sufficient to prove the misconduct convict Rana Pratap s/o Mukhtiyar Singh with Dr. Ritika and refusal to get done his X-Ray in GTB Hospital.

Whereas, CCTV footage of the incident dated 04.08.2022 was called from CJ-11 vide letter no. 715 dated 10.03.2023, however, it has been informed by Dy. Superintendent, CJ-11 vide reply no. 1026 dated 16.03.2023 that “saved CCTV footage has been checked in CCTV room but after watching all footage, the saved footage could not find and found that two CPUs is not working there. So there is a possibility that the saved CCTV footage is stored in those CPUs for which a letter has been sent to Senior System Analyst to get the CPUs repaired at the earliest so that the required CCTV footage is provided in the required matter”.

*Therefore, in view of above, content of punishment tickets no. 0257 dated 04.08.2022 and 0261 dated 06.08.2022 found to be correct. Convict Rana Pratap s/o Mukhtiyar Singh, **warned to be careful and not to repeat such an act in future.**”*

10. Insofar as punishment ticket No. 257 is concerned, the order records that the Petitioner initially refused to receive notice, but later submitted a written reply and was afforded a hearing. The concerned officers who had signed the punishment tickets were also present and maintained their version. However, the order also notes that despite a specific direction to retrieve the CCTV footage pertaining to the incident dated 4th August, 2022, the footage could not be accessed as the relevant CPUs were non-functional. In the absence of this critical evidence, particularly when the footage was stated to exist, the Court finds it difficult to uphold the punishment solely on the basis of written complaints and oral accounts, especially when the Petitioner’s defence raises a plausible version of events. At this stage, the benefit of doubt must weigh in the Petitioner’s favour.

11. The punishment ticket No. 261 which is based on allegations of



misbehaviour at GTB Hospital reads as follows:

“The brief facts of the kalandra received on 10.08.2022. Enclosed herewith are that on 06.08.2022, the convict namely Rana Pratap S/o Mukhtiyar referred to outside Hospital, i.e., GTB Hospital for treatment by doctor on duty at CJ-11, Mandoli, Delhi. There he was shifter from emergency ward to orthopedic department and there Dr. Ritika on duty advised him for X-Ray as has pain legs and whole body but he refused the same and misbehaved with her and stated, “Mere jail mai bhot x-ray ho rakhe hai. Mai x-ray nhi karwaega aise hi ilaj kro aur kehne laga ki maine LLB kar rakhi hai mujhe kanoon pta hai tu bas ilaj kar mujhe mat samjha. Further, he threatened DAP 3rd Bn. Staff that he will lodge false and fabricated Complaint against them in Court.

Such act and behavior is punishable and against the Jail Rules as per Delhi Prison Rules- 2018. Hence, the abovesaid UTPs may be punished accordingly as per Delhi Prison Rules- 2018.

Hence, as per the Delhi Prisons Rules 2018- Prison Offences and Punishment:

V. Breaking law and order and prison discipline.

VII. Refusing, omitting to abide by standards of behavior, rules and regulations and lawful instructions and orders.

VIII. Failing to assist in the maintenance of prison discipline.

Submitted Please.”

12. Punishment ticket No. 261 is based on the allegation that the Petitioner misbehaved with a doctor identified as ‘Dr. Ritika’ at GTB Hospital. In this regard, the Court had directed the State to produce the relevant medical records, which have now been placed on record. However, the said records do not establish the presence of any such doctor on duty. In fact, a response dated 1st May, 2023, received under the Right to Information Act from GTB Hospital, categorically states that no doctor by the name of ‘Ritika’ was posted in the Orthopaedics Department on the date in question. In view of the absence of corroborative material, the Court finds that the allegation remains unsubstantiated and does not justify the issuance of the punishment ticket.



13. In light of the foregoing and considering the fact that the Petitioner has already undergone the punishments imposed pursuant to the impugned tickets, the Court finds no justification for allowing the record of such a penalty to stand. Accordingly, the decision dated 21st March, 2023 upholding punishment tickets no. 257 and 261 is set-aside. Consequently, the punishment tickets are also quashed.

14. However, it is clarified that in the event the CCTV footage relating to the incident dated 4th August, 2022 is successfully retrieved, the Respondents shall be at liberty to provide a copy of the same to the Petitioner and afford him an opportunity to submit a response, whereafter a fresh decision may be taken in accordance with law on the question of punishment ticket No. 257.

15. In view of the foregoing, the present petition, along with pending application(s), if any, is disposed of.

16. The date of 3rd July, 2025, stands cancelled.

SANJEEV NARULA, J

APRIL 22, 2025/d.negi