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

+ **W.P.(CRL) 2402/2023**

NARESH KUMAR ALIAS KALU

.....Petitioner

Through: Mr. Akshay Bhandari, Ms. Megha Saroa, Mr. Janak Raj Ambawat, Mr Kushal Kumar and Mr. Anmol Sachdeva, Advocates

versus

STATE (GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Yasif Rauf Ansari, ASC for State along with Alok Sharma and SI Sonu Kumar, PS Okhla Industrial Area

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

18.08.2025

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1. The present writ petition is directed against the punishment ticket dated 20th March, 2025, whereby, upon recovery of four small ball-shaped poly packets containing tobacco from the person of the Petitioner, the punishment of stoppage of telephonic facilities for 15 days and stoppage of canteen facilities for 15 days was imposed.
2. The Petitioner has already undergone the aforesaid punishment. However, since the said punishment continues to be recorded in the jail records, the Petitioner contends that it would prejudice his case at the time of consideration for remission by the Sentence Review Board.
3. Without prejudice to the above, the Petitioner submits that the



stoppage of two distinct facilities amounts to punishing him twice for the same offence, in contravention of Rule 1275 of the Delhi Prison Rules, 2018. It is further submitted that the Respondents failed to follow the procedure prescribed under Rule 1272 which mandates issuance of a show cause notice with respect to the alleged violation of Jail Rules. In addition, the prescribed procedure under Rule 1273 of the said Rules was also not followed. The failure to issue such notice, depriving the Petitioner of an opportunity to present his defence, amounts to a violation of the principles of natural justice. Thus, the impugned punishment is not sustainable in law.

4. The Court has considered the aforementioned contentions. It is evident that no show cause notice was issued prior to the award of punishment. Concededly, the punishments imposed in the present case fall within the category of “major punishments”, which necessarily require the issuance of a prior show cause notice under Rule 1272 and strict adherence to the procedure prescribed under Rule 1273 of the Delhi Prison Rules.

5. In light of the above, and without delving into the other aspects, since the impugned punishment was imposed in contravention of the aforesaid Rules, notwithstanding that the Petitioner has already undergone the punishment, a *post-facto* hearing must be granted to the Petitioner, affording him an opportunity to put forth his defence.

6. Accordingly, the writ petition is allowed, and the punishment ticket dated 20th March, 2025 is set aside.

7. The concerned Jail Superintendent shall, if so advised, be at liberty to issue a show cause notice to the Petitioner, clearly setting out the alleged violation of the Delhi Prison Rules, 2018, and affording him an opportunity to submit his defence. Thereafter, upon compliance with the procedure



prescribed under Rule 1273 of the said Rules, the State shall be free to take a fresh decision in accordance with law.

8. With the above directions, the present petition is disposed of. All rights and contentions of the parties are left open.

9. It is clarified that, in the event the State, after re-hearing the matter, concludes that punishment ought to be awarded, the Petitioner shall not be required to undergo any further punishment, having already served the same pursuant to the impugned order.

SANJEEV NARULA, J

AUGUST 18, 2025/MK