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

+ W.P.(CRL) 3394/2023
MANOJ

.....Petitioner

Through: Ms. Jahanvi Worah, Advocate.

versus

THE STATE (GOVT OF NCT, DELHI)

.....Respondent

Through: Ms. Rupali Bandhopadhyay, ASC
with Mr. Anurag Arora, Advocates
for State.

SI Geeta with I.O/SI Seeman, P.S.
Mahendra Park.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

07.02.2025

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1. The Petitioner is a convict undergoing rigorous imprisonment for life under judgment dated 3rd September, 2022 and sentence dated 1st October, 2022 awarded, in respect of FIR No. 77/2017, registered at Police station: Mahendra Park, for offence under Section 6 of Protection of Children from Sexual Offences Act, 2012.¹ The present writ petition is directed against the award of punishment by the Jail Superintendent through Punishment Ticket No. 431 dated 24th July, 2020.² The Impugned Punishment Ticket ceased the Petitioner's Mulakat facilities for a period of 30 days. The reason for awarding the Impugned Punishment Ticket is that the Petitioner was allegedly found with one Impoverished Mobile charger and loose wire (05

¹ ['POCSO']

² "Impugned Punishment Ticket"



meters approx.) which were recovered from his barrack at the time. However, it is pertinent to note that this punishment dated 24th July, 2020 was judicially appraised by the Principal District and Sessions Judge (HQs), who *vide* order dated 5th March, 2021 reduced the punishment from 30 days to 07 days.

2. The Petitioner alleges that the Impugned Punishment Ticket was passed in violation of Rule 1272 and 1273 of the Delhi Prison Rules, 2018.³

3. Heard. Rule 1272 of the DPR, which pertains to the imposition of ‘major’ punishments on prisoners, mandates a prior notice calling upon the prisoner to show cause with reference to the alleged violation of the Jail rules. However, the punishment awarded i.e., stoppage of Mulakat facilities for ‘07 days’, does not fall within the category of major punishments, and therefore, Rule 1272 is not applicable in the present case.

4. However, the procedure outlined in Rule 1273 of the DPR has not been adhered to as the confessional statement of the offender was not recorded in the presence of the two witnesses, which is a mandatory requirement under Rule 1273. The Punishment Ticket only records “*Heard in person. The above inmates admitted their offence and hence their Mulakat facility for 30 days is stopped subject to approved of Hon’ble ADJ.*” Since the procedure under Rule 1273 has not been followed, without going into the merits of the reasons for award of punishment, the Court quashes the Punishment Ticket No. 431 dated 24th July, 2020.

5. The Respondent shall be free to initiate the procedure under Rule 1273 afresh, if deemed appropriate, for imposing the punishment, if found necessary.



6. At this juncture, it must be noted that the Petitioner has been released from jail on 17th November, 2023 after securing suspension of sentence from this Court in Crl. Appeal No. 139/2023 *vide* order dated 16th November, 2023.

7. It is made clear that the fresh process, if so required, shall be initiated if and when Petitioner is required to undergo the remaining period of sentence, subject to the outcome of the appeal proceedings, in accordance with law.

8. The present petition stands disposed of.

SANJEEV NARULA, J

FEBRUARY 7, 2025

as

³ ['DPR']