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

+ W.P.(CRL) 3501/2024

MUSTAKIM

.....Petitioner

Through: Ms. Pallavi Sharma Kansal, Mr.
Sourabh Kansal & Mr. Raghav Vij,
Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC for the
State with Mr. Alok Sharma, Mr. Amit
Sahni, Mr. Vasu Agarwal, Advocates
SI Mohit Bamel, PS: Begumpur.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 29.01.2025

1. Learned counsel for the Petitioner states that there was an error while recording his submission in the order dated 13.12.2024.
2. He submits that the Petitioner herein was indeed found in possession of tobacco and to this extent his statement may be taken on record and the statement to the contrary, as recorded in order dated 13.12.2024 be discarded.
3. It is ordered accordingly.
4. Learned ASC states that it is a matter of record that the written notice was not issued to the Petitioner in terms of Rules 1272 and 1273 of the Delhi Personal Rules, 2018. He states that however, the possession of the tobacco is not in dispute.
5. He states that in the similar facts, a Coordinate Bench of this Court in W.P.(Crl.) 2434/2022 vide Order dated 13.02.2023 had issued following

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directions: -

“4. Notwithstanding the same, the procedural aspects which are mandated by regulation / statute cannot be ignored and will have to be carried out. In a quasi-judicial proceeding as is mandated, the Jail Superintendent needs to at least record the manner the notice has been given to the convict and his explanation and that only upon appreciation of the same was the decision passed. According the Court directs that the Superintendent Tihar Jail to give re-hearing to the petitioner and record his defence and return a finding in accordance with law and procedure. These punishment tickets will therefore stand in abeyance and once the directions are complied with the report, if the punishment is accorded, will be submitted for the procedural appraisal.”

6. In view of the aforesaid submission of the parties and keeping in view of the aforesaid order passed by the Coordinate Bench of this Court, which squarely applies for the facts of this case, it is similarly directed that the Superintendent, Mandoli Jail will issue a written notice to the Petitioner, record his defence and return a finding in accordance with the applicable procedure envisioned in Rules 1272 and 1273 of the Delhi Prison Rules, 2018. Even if after following the procedure and hearing the Petitioner, the Superintendent, Mandoli Jail reiterates his decision, then the same shall be placed before the Jail visiting Judge for procedural appraisal.

7. It is directed that since the Petitioner has already undergone the punishment imposed on him by the impugned ticket, in case of reiteration of the decision, no fresh punishment will be accorded to the Petitioner.

8. The aforesaid directions, be complied within a period of one (1) month.

9. Accordingly, present petition is disposed of.

10. Copy of the order be sent to the concerned Jail Superintendent for information and compliance.

11. The digitally signed copy of this order, duly uploaded on the official



website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
JANUARY 29, 2025/mt/MG

[Click here to check corrigendum, if any](#)