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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.REV.P. 1383/2024, CRL.M.A. 5532/2025, CRL.M.A. 5533/2025
STATE (THROUGH OFFICE OF DIRECTOR GENERAL PRISONS)

.....Petitioner

Through: Mr. Laksh Khanna, APP
versus

ASADULLAH AKHTAR @ HADDI & ANR.Respondents

Through: Ms. Warisha Farasat, Ms.
Shadab Farasat, Ms. Mreganka
Kukreja, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

03.03.2025

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1. This is a revision petition seeking to challenge the order dated 21.09.2024 passed by the learned ASJ-03, New Delhi District, Patiala House Courts, Delhi, in RC No.06/2012/NIA/DLI registered at PS NIA under Sections 123 and 121A of IPC and Sections 17, 18, 18B and 20 of UAPA, 1967, whereby respondent No.1 was granted permission to avail phone call/e-mulakat facility during the pendency of the decision by the prison authorities regarding the validity of the prior permission granted to respondent No.1 for availing the said facilities.

2. The operative portion of the impugned order reads as under:-

“In respect of present matter, in the report filed on behalf of Prison authority, it has come to notice that before transfer of applicant/accused from one jail to another jail, inmate was availing phone/e-mulakaat facility but that approval later is stated to be not in terms of rules. Be that as it may, the Prison Authority are at liberty to do verification etc in respect of said permission but pending decision on said process, it is directed that phone facility/e-mulakaat facility already availed be restored. Mr. Rajiv has informed that he is DIG (Range), Tihar and concerned DIG (Range), Mandoli Jail. Hence, copy of this order be sent to DIG (Range), Mandoli Jail. Copy of order be given dasti to Law Officer present in court.”



3. Thereafter, the order was clarified on 08.10.2024 and reads as under:-

“In respect of order dated 21.09.2024, it is clarified that it is only an interim order. The corrigendum order dated 22.05.2024 provides for continuous of phone facility in case the same was used by applicant/accused prior to 22.04.2024. There are submissions on behalf of jail administration that during the period prior to 22.04.2024, though the permission was not appropriate. Thus, there is a tacit admission that facility was used by accused. Hence, said Corrigendum dated 22.04.2024 shall apply.

It is reported that applicant/accused had damaged the property of jail on 16.11.2022 which makes him ineligible for facility. The jail authority may take decision as per Jail Rules but in the interregnum, let the Corrigendum dated 22.04.2024 be followed.”
4. The impugned order was challenged before this Court and *vide* the order dated 24.12.2024, the Court stayed the operation of the impugned order relying on Rule 631 of the Delhi Prison Rules, 2018.
5. In the present case, the dispute revolves around Rule 631 of the Delhi Prison Rules, 2018 and the addendums passed subsequently.
6. Rule 631 of the Delhi Prisons Rule reads as under:-

“The prisoners who are involved in offences against the State, terrorist activities, Maharashtra Control of Organized Crime Act, National Security Advisor, Public Safety Act and otherwise involved in multiple heinous offences such as robbery, dacoity, murder, kidnapping for ransom etc., habitual jail rules offenders and who are frequently involved in assaulting co-inmates in the prison shall not be eligible for this facility in the interest of public safety and order. However, the Superintendent Jail will be empowered to take appropriate decision in individual case to case basis with the prior approval of Deputy Inspector General (Range).”
7. Subsequently, the circular dated 22.04.2024 was issued wherein the operative



portion reads as under:-

“That Inmate Phone Call Facility (only audio facility) can be permitted to the prisoners covered under Rule 631 of Delhi Prisons Rules, 2018 and also for those who are lodged in High Security Ward, only after obtaining NOC/approval from the concerned prosecuting agencies. The Jail Superintendent shall provide the landline numbers/mobile numbers furnished by the inmate to the prosecuting agency for their NOC/approval of such facility from Jail.”

8. The said circular was further clarified by an addendum dated 22.05.2024 which reads as under:-

“In continuation to Circular No.F.10(003769007)/CJ/Legal/PHQ/2024/3284-3303 dated 22.04.2024 it is clarified as under:

(a) All new prisoners applying for E-Mulakat and/or Telephone Facility, as on or after 22.04.2024, should be allowed such facility only after receipt of NOC from the Investigating Agency.

(b) The prisoners who are already availing the facility of E-Mulakat / Telephone Mulakat on or before 22.04.2024, the said facility will remain in force till the NOC from the Investigating Agencies is obtained, Superintendent Jails should enter into correspondence immediately in respect of all such prisoners where NOCs are not obtained and efforts should be made to procure the NOCs from the Investigating Agencies within ten days. The facility shall be dispensed with in case of any misconduct committed by such prisoner or permission denied by the Investigating Agency.”

9. On perusal, respondent No.1 falls within the ambit of Clause (b) of the addendum dated 22.05.2024 as he was already availing the facility of E-Mulakat/Telephone Mulakat prior to 22.04.2024.
10. Admittedly, the NOC from the investigating agency is pending.
11. For the reasons that the addendum dated 22.05.2024 is applicable to respondent



No.1, the petition is not maintainable and is dismissed.

12. The fact whether the Trial Court is vested with the power to pass such orders is not required to be adjudicated in the present petition and the revisionist is at liberty to avail the appropriate remedy in this regard.
13. With these observations, the petition is disposed of accordingly.

JASMEET SINGH, J

MARCH 3, 2025/DM

Click here to check corrigendum, if any