
(1986) 07 P&H CK 0078

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 299 of 1986

Harchand Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 14-07-1986

Acts Referred:

Citation : (1986) 2 AICLR 216 : (1987) 1 RCR(Criminal) 199

Hon'ble Judges : S.S.Dewan, J

Advocate : D.S. Keer, V.K. Jindal, Advocates for appearing Parties

Judgement

S.S. Dewan, J.

1. This is a petition filed by Harchand Singh, a life convict, under Articles 226/277 of the Constitution of India praying that the jail punishments awarded to him by the Superintendent, Central Jail, Ferozepur, on 11.7.19789 and 13.11.1981 be quashed as the same were awarded without obtaining judicial appraisal of the Sessions Judge concerned.

2. After hearing the learned Counsel for the parties. I am of the considered view that the impugned orders passed by the Superintendent, Central jail, Ferozepur, are liable to be quashed on the short ground that the same were passed without the judicial appraisal of the Sessions Judge is violation of the mandatory directions issued by the Supreme Court in Sunil Batra v. Delhi Administration, 1980(3) SC 448, that no punishment or denial of privileges and amenities shall be imposed upon the prisoner without judicial appraisal of the Sessions Judge and where such intimation on account of emergency is difficult, such information shall be given within two days of action. Similar view was taken in Rakesh Kaushik v. B.L. Vig. Superintendent Central Jail, New Delhi and another, 1980 SCC (Crl.) 834.

3. Mr. D.S. Keer, learned Counsel for the State has candidly conceded that the aforesaid mandatory instructions issued by the Supreme Court have, not been complied by the Superintendent, Central Jail, Ferozepur I, therefore, quash the

orders of punishment made by the Superintendent, Central Jail, Ferozepur on 11.7.1979 and 13.11.1981. The petition stands disposed of.