
(1993) 07 P&H CK 0063

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition No. 1068-M of 1992

Lakhwinder Singh

APPELLANT

Vs

State of Haryana and anr.

RESPONDENT

Date of Decision : 06-07-1993

Acts Referred:

Citation : (1993) 3 RCR(Criminal) 419

Hon'ble Judges : J.B.Garg, J

Advocate : J.S. Bhatti, Suvir Dewan, Advocates for appearing Parties

Judgement

J.B. Garg, J.

1. Lakhwinder Singh is a lifer and is in Central Jail, Ambala Since 791988. After availing a parole of three weeks he reported at Central Jail, Ambala on 5101989 and at the main gate a sum of Rs. 12/ was found in the pocket of aforesaid convict and a sum of Rs. 800/ together with a wrist watch were found in a bag which the aforesaid convict was carrying. The Assistant Superintendent of Central Jail, Ambala considered it to be a violation of para 606(5) of the Punjab Jail Manual and considering it to be a violation of the aforesaid manual the sum of Rs. 800/ together with the wrist watch were taken into possession and the cash has been deposited in the Government Treasury and the wrist watch has been retained by the authorities or say in other words confiscated. A cut of ten days in the period of remissions was also imposed by Superintendent's Central Jail, Ambala on 6101989. This punishment has been challenged by means of the present petition moved under Articles 226/227 of the Constitution of Indian read with section 482 of the Code of Criminal Procedure. The petitioner has alleged that he has passed M.A. PartI Examination of Kurukshetra University and he wanted to complete the PartII of M.A. Examination and he required money which he was to spend on books and the punishment imposed was without hearing him, arbitrary and the alleged appraisal by the Learned Sessions Judge was without application of the mind.

2. It is not disputed that the petitioner though a lifer had been a student while in

jail and he had completed M.A. PartI from Kurushetra University and he was a private student for the PartII of the M.A. Examination. In the proceedings dated 61089 the convict specially explained to the Superintendent, Central Jail, Ambala that he required money for purchased of books for `studying purpose". He is a `B" class Prisoner.

The letter for judicial appraisal was sent to the Sessions Judge, Ambala on 71089 and it was returned the same day with the endorsement which is reproduced as under :

"Returned in original to the Superintendent, Central Jail, Ambala.

The judicial appraisal sought for is hereby accorded".

A perusal of this endorsement indicates that it never came to the notice of the Learned Sessions Judge that the petitioner was `B" prisoner and that he had completed M.A. PartI and wanted to spend his own money for purchase of books and further studies.

3. There is nothing to show that the petitioner was addicted to any drugs or that any such occurrence took place visavis the petitioner during the period of his imprisonment.

4. The learned counsel for the petitioner has referred to Dilbar Singh v. The State of Haryana and ors. 1990(2) C.C. Cases 32, where also the recovery of a cash of Rs. 134.75 from a lifer in the premises of a canteen for which the convict was able to give a suitable explanation the adverse adjudication was disliked. In the case, now in hand, the convict was still at the main gate of the Central Jail, Ambala. It was thereafter that his personal search was to be conducted before a convict is despatched to a particular ward and the learned counsel for the respondent State could not answer it nor there was any explanation as to why this cash amount was not kept in deposit by the jail authorities for its consumption for the purpose of purchases of books which this `B" Class convict bonafide required for further studies.

5. As seen above, the alleged `judicial appraisal" was perfunctory. The conclusion is that the present petition is accepted and the impinged order of the Superintendent Central Jail, Ambala, dated 6101989 is hereby set aside.