
(1986) 05 P&H CK 0068

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 315 of 1986

Mohan Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 27-05-1986

Acts Referred:

Citation : (1987) 1 RCR(Criminal) 149

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

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

Judgement

S.S. Dewan, J.

1. This is a habeas corpus petition filed by Mohan Singh on behalf of Vijay M. Kumar praying that the punishments awarded to the convict by the Superintendent of Jail for alleged commission of offences on 27.8.1983 and 2.9.1983 not being in conformity with the principles of natural justice be quashed. It is further contended that these punishments are unsustainable because of the lack of judicial appraisal by the Sessions Judge. Reliance is placed on Supreme Court decision in Rakesh Kaushik v. B.L. Vig. Superintendent, Central Jail, New Delhi 1980 SCC (Crl.) 834 Mr. D.S. Keer, learned Counsel for the State has candidly conceded that no judicial appraisal by the Sessions Judge was obtained by the Superintendent, Jail before awarding the Jail punishments to the convict. In Rakesh Kaushik's case (supra) one of the directions issued by the Supreme Court was that no punishment or denial of the privileges and amenities shall be imposed upon the prisoner without judicial appraisal of the Sessions Judge. It is thus manifest that these instructions of the Supreme Court which are held to be mandatory, in nature, have been violated in this case. Consequently, the aforementioned two punishments being in violation of the mandatory instructions of the Supreme Court, are quashed. The petition stands disposed of accordingly.