
(1986) 05 P&H CK 0059

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 227 of 1986

Pawan Kumar S/o Ramji Dass

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 27-05-1986

Acts Referred:

Citation : (1986) 05 P&H CK 0059

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

Advocate : I.S. Rai, D.D. Sharma, Advocates for appearing Parties

Judgement

S.S. Dewan, J.

1. The only prayer made in this petition is that the punishment awarded to the petitioner by the Superintendent of jail for the alleged commission of offence on 18.9.1983, without obtaining judicial appraisal of the Sessions Judge, be quashed. The learned counsel for the petitioner has relied on a Supreme Court decision in Sunil Batra v. Delhi Administration A.I.R. 1980 S.C., 1579, wherein one of the directions issued by the Supreme Court was that no punishment or denial of privileges and amenities shall be imposed upon the prisoner without the judicial appraisal of the Sessions Judge. The learned counsel for the State has candidly conceded that no judicial appraisal of the Sessions Judge was obtained by the Superintendent of Jail before awarding the jail punishment to the petitioner. It is thus clear that the aforesaid instructions of the Supreme Court which are held to be mandatory in nature, have been violated. Consequently, the punishment awarded to the petitioner on 18.9.1983 is hereby quashed. The petition stands disposed of accordingly.