
(1986) 05 P&H CK 0046

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 137 of 1986

Swaran Singh, S/o Harbans Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 30-05-1986

Acts Referred:

Citation : (1986) 2 AICLR 225

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

Advocate : Manmohan Singh, S.V. Rathi, Advocates for appearing Parties

Judgement

S.S. Dewan, J.

1. In this petition the only grievance made by the petitioner is that the punishments awarded to him by the Superintendent of Jail on 30.3.1979, 1.9.1981 and 19.4.1982 and illegal not being in conformity with the principles of natural justice are liable to be quashed. It is also pleaded in the petition that these punishments are unsustainable because of the lack of judicial appraisal by the Sessions Judge. Reliance is placed on Supreme Court decision in Sunil Batra v. Delhi Administration A.I.R. 1980 S.C. 1579. There appears to be substance in the contentions raised by the petitioners. In Sunil Batra's case (supra) one of the directions issued by the Supreme Court was that no punishment or denial of privileges and amenities shall be imposed on the petitioner without judicial appraisal of the Sessions Judge and where such permission on account of emergency is difficult, such information shall be given to the Sessions Judge within two days of the action. These instructions were repeated by the Supreme Court in Rakesh Kaushik v. B.L. Wig, Superintendent Central Jail, New Delhi 1980 S.C.C. (CrI.) 834 wherein it was observed that the action oriented conclusion in the case of Sunil Batra (supra) are binding upon the State. Mr. Manmohan Singh, learned counsel for the State has fairly conceded that the Jail authorities has imposed the aforesaid punishments on the petitioner without the concurrence of the Sessions Judge. Consequently, the aforementioned three punishments imposed on the petitioner by the Superintendent of Jail being in violation of the

mandatory instructions of the Supreme Court are hereby quashed. The petition stands disposed of accordingly.