

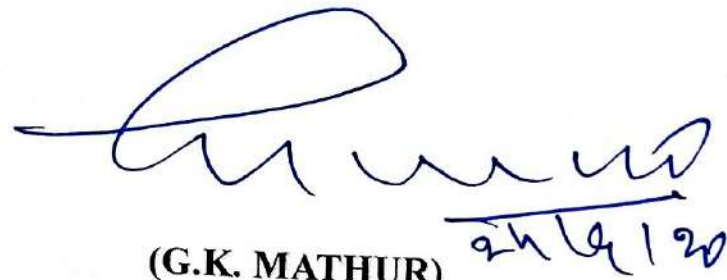
**OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE:  
ROHINI COURTS: DELHI**

Genl.I/N-W & North/Rohini/2020/.....123-127

Delhi, dated the.....24/9/20

Copy of letter bearing No. 17791-890/Genl./Judl.Circle./HCS/2020 dated 19.09.2020 alongwith orders dated 06.08.2020 & 14.09.2020 passed by Hon'ble Division Bench of High Court of Delhi in W.P. (Crl) 974/2020 titled as "Sanjay Singh Vs. State" as received from Office of the Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi is being forwarded for information and necessary action/ compliance to:-

1. All the Ld. Judicial Officers ( **DHJS and DJS** ), North-West and North District, Rohini Courts, Delhi (through email-id).
2. Personal office, Ld. Principal District & Sessions Judge, North-West & North District, Rohini Courts, Delhi (through email-id).
3. The Dealing Official, R & I Branch, Rohini Courts, Delhi for uploading the same on LAYERS (through email-id).
4. The Dealing Official, Computer Branch, Rohini Courts, Delhi for uploading the same on WEBSITE (through email-id).



(G.K. MATHUR)

In-charge,  
General Branch-I,  
Pr. District & Sessions Judge's Office,  
North-West & North District,  
Rohini Courts Complex, Delhi.



OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQ): DELHI

Most urgent/Out at once

Genl./Jud.Circl./HCS/2020

Dated, Delhi the 19.09.2020

Copy of the letter alongwith order dated 06.08.2020 & 14.09.2020 & copy of compliance affidavit filed by DSLSA passed by Hon'ble Division Bench of High Court of Delhi in W.P (Crl) 974/2020 titled as "Sanjay Singh Vs. State" be circulated for information and necessary action/compliance to:-

1. The Principal District & Sessions Judges, all Court Complexes, Delhi/New Delhi. *NPW*
2. The Principal District & Sessions Judge cum Special Judge (PC Act) (CBI), Rouse Avenue Courts Complex, New Delhi.
3. The Member Secretary, DSLSA, Patiala House Courts Complex, New Delhi.
4. All the Judicial Officers posted in Central District, Tis Hazari Courts, Delhi.
5. The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the website of Delhi District Courts.
6. The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no. DJA/Dir./Acd/2019/4306 dt. 06.08.2019.
7. For uploading the same on Centralized Website through LAYERS.
8. PS to Ld. Principal District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.
9. Dealing Clerk, Jail Seat posted in General Branch, Central District, THC, Delhi.

(GAJENDER SINGH NAGAR)  
Link-Officer-In-Charge (Genl. Branch)  
ACMM-2, (Central) THC, Delhi.

Encls. As above.

No. 951 Genl./Jud.Circl./HCS/2020 Dated, Delhi the 19.09.2020

Copy to:

The Registrar General, Hon'ble High Court of Delhi, New Delhi for information please.

Link-Officer-In-Charge (Genl. Branch)  
ACMM-2, (Central) THC, Delhi.

Ld. OC Genl. Br-I for Immediate Circulation

प्रधान  
Principal

जिला एवं सत्र न्यायाधीश (उत्तर-पश्चिम)  
District & Sessions Judge (North-West)  
रोहिणी न्यायालय, दिल्ली  
Rohini Courts, Delhi

21/09/2020



**URGENT**

Fixed for: 01.10.2020

**Copy of Order**

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

No. 38086 /Crl.

Dated: 17/09/2020

From:

The Registrar General,  
High Court of Delhi,  
New Delhi

To,

The District and Sessions Judge (HQ), THC, Delhi



**W.P (CRL) 974/2020**

Sanjay Singh

Petitioner(s)

**VERSUS**

State

Respondent (s)

Petition under Article 226 of the Constitution of India for seeking issuance of the writ in the nature of habeas corpus against the respondents to reduce/release the petitioner who is illegally detained by the respondents and further to grant the reasonable compensation to the petitioner (detenu) for his illegal detention since 15.06.2020 till the date of his release. FIR No- 308/2016, U/S- 420/406/174A/120B IPC, PS- Baba Haridas Nagar, Delhi.

I am directed to forward herewith for immediate compliance/necessary action a copy of judgment/order dated 14.09.2020 passed in the above case by the Hon'ble Division Bench of this Court.

Necessary directions are contained in the enclosed copy of order.

Yours faithfully

A.O.J.(Crl.)

for Registrar General

Encl : Copy of order dated 06.08.2020 & 14.09.2020  
memo of parties & copy of compliance  
affidavit filed by DSLSA

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

**W.P. (Crl.).....OF 2020**

**IN THE MATTER OF:**

Sanjay Singh

..Petitioner (Detenu)

Versus

The State (Govt. Of NCT) Of Delhi & Anr .. Respondents

**F.I.R. No. 308/2016**  
**U/Ss 420/406/174A/120B IPC**  
**P.S. Baba Haridas Nagar**

**MEMO OF PARTIES**

Sanjay Singh

S/O Sh. Om Prakash Singh

R/O C-6, Vinoba Enclave,

Near- Shiv Mandir, CRPF Camp,

Jharoda Kalan, New Delhi-110072.

(Presently confined in CJ-01,

Tihar New Delhi-110058 )

Petitioner  
(Detenu)

Versus

1. The State (Govt. Of NCT) Of Delhi

2. Superintendent of Jail, CJ-01,

Tihar, New Delhi-110058

Respondents

**Date: 23.06.2020**

**Place: New Delhi**

*Alpana Pandey* **Filed by**  
**ALPANA PANDEY**

**Advocate**

**D/1258/2006**

**481, Lawyer's Chambers**

**Delhi High Court**

**New Delhi-110003**

**Email ID. padvocatealpana@yahoo.com**

**Mob. Nos. 9210495746, 9999349358**



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 974/2020

SANJAY SINGH

.... Petitioner

Through: Ms. Alpana Pandey, Advocate

versus

THE STATE (GOVT. OF NCT) OF DELHI AND ANR.

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel  
(Crl.) with Mr. Chaitanya Gosain, Advocate  
alongwith Mr. Sandeep Goel, Director General,  
Tihar.

Mr. Sumer. Kr. Sethi, Advocate for DSLSA  
alongwith Mr. Kanwal Jeet Arora, Member  
(Secretary) DSLSA

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

**14.09.2020**

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**HEARD THROUGH VIDEO CONFERENCING**

1. A compliance affidavit has been filed by Mr. Kanwal Jeet Arora, Member (Secretary), DSLSA stating *inter alia* that in terms of the direction issued on 06.08.2020, online workshops were conducted by DSLSA on 25.08.2020, 26.08.2020, 27.08.2020, 28.08.2020 and 10.09.2020 duly attended by Superintendents, Deputy Superintendents, Assistant Superintendents posted in the prison and all the 14 Law Officers appointed by the Prison Headquarters, called "Course Correction Training Workshop". In all, 294 participants have attended the aforesaid workshops and sessions

followed by detailed interactive sessions for dealing with various problems and doubts that were raised by the participants. The details of the general problems raised during the training sessions have been set out in para 16 of the Status Report which is as follows:-

**"General problems faced by jail authorities, as pointed out by the attendees during the training sessions."**

16. That, during said training session/workshop it has been highlighted that:

(A) The Courts while issuing the Production Warrants with respect to a particular FIR are not making endorsements, on the Productions Warrants, distinctly specifying to the effect that whether the prisoner qua whom the Production Warrant is issued is in Custody, or is on Bail in the said FIR in relation to which the Production warrant is issued.

(B) When a Release Warrant is issued by the Courts with respect to a particular FIR, occasionally, it contains some minor discrepancies which are inadvertently made by subordinate staff of Courts leading to mismatching of the details filled in the Release Warrants with the records, pertaining to same case, maintained with the Jail Authorities. For instance, occasionally the spellings of the name of the prisoner, or the particulars of the FIR number, police station concerned, or the sections invoked mismatch. In such eventualities, driven by the rule of caution, the prisoners are not released from the custody by the Authorities without first receiving necessary clarifications regarding the errors, or the mismatches from the courts concerned. As such awaiting the clarifications the accused prisoners have to continue to remain in custody for one or more days. These errors in the release warrants and the exercise of the Prison Authorities seeking clarifications result in unnecessary delay in the release of the prisoner from the jail."



2. In para 17 of the affidavit, the following solution has been proposed:-

*"17. That, upon considering the aforementioned general problems highlighted by the jail authorities during the discussions in the training sessions/workshops, the undersigned most humbly seeks the leave of this Hon'ble Court to propose following solutions, or practice directions:*

*(A) All Judicial Officers must clearly mention on the Custody Warrant itself that whether a particular accused is in custody in the specified FIR for which he was produced before the Court, or whether he is on bail in that particular case.*

*This will make it convenient for the jail authorities to deal with prisoners involved in various cases in more efficacious manner, thereby significantly reducing the chances of repetition of such incidents of detention of an accused in the Prison.*

*(B) To deal with an eventuality, where any clarification(s) is required by the jail authorities pertaining to discrepancies in the Release Warrant received from the courts, regarding name, or identity of the prisoner etc., there ought to be a mechanism in place for immediate redressal on the courts end.*

*To cater such a situation the contact number of a Nodal Officer, appointed in this regards, or of the Reader of the concerned Court should be made available to the Jail Authorities, who may seeks requisite clarifications from such officers without any unnecessary delay.*

*For that purpose, Ld. District & Sessions Judge (Headquarters) may immediately issue an office circular to all the Courts having criminal jurisdiction to designate the Reader of the court as Nodal Officer and the contact number as well as the email ID of such Nodal Officer/Reader of each court be provided to jail authorities for necessary clarification purpose in order to avoid delay in release of any prisoner. In this way, any discrepancy found in Release Warrants shall be immediately brought to the notice of the Nodal Officer/Reader of the court concerned and unnecessary delay in releasing of the prisoner shall be avoided."*

3. Mr. Arora, Member (Secretary) DSLSA, who is present in the hearing states that the District & Sessions Judge (HQs) may be directed to issue a Circular in terms of the suggestions made in para 17.

4. We are of the opinion that in the first instance, a copy of the order dated 06.08.2020 and this order along with a copy of the Compliance affidavit filed by the Member (Secretary), DSLSA be electronically forwarded to the District & Sessions Judge (Headquarters) for his perusal and after consultation with the Chairperson, Centralised Computer Committee, for an appropriate response. Member (Secretary), DSLSA shall email the said documents to the District & Sessions Judge (HQs) as also to the Chairperson of the Committee at the earliest. The Status Report dealing with the solutions proposed in para 17 of the Compliance affidavit of the Member (Secretary), DSLSA in terms of the difficulties expressed and recorded in para 16 shall be filed by the District & Sessions Judge (HQs) within two weeks with copies to all the concerned parties.

5. List on 01.10.2020.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

SEPTEMBER 14, 2020

hsk/rkb



# IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P. (CRL.) 974/2020

SANJAY SINGH

..... Petitioner

Through: Ms. Alpana Pandey, Advocate.

versus

THE STATE (GOVT. OF NCT) OF DELHI AND ANR.

.... Respondents

Through: Mr. Rahul Mehra, Standing Counsel  
(Crl.) along with Mr. Goyal, D.G. (Prisons) and  
Mr. O.P. Pandey, Jail Superintendent.

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

## ORDER

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06.08.2020

### HEARD THROUGH VIDEO CONFERENCING

1 In compliance of the order dated 21.07.2020, a Status Report has been filed by the D.G. (Prisons), Delhi tendering *inter alia*, an unconditional apology for the inappropriate explanation submitted by the Superintendent, Central Jail-I, for unlawfully detaining the petitioner in prison for the period between 20.06.2020 to 25.06.2020. The Status Report further submits that at least 1.5 lacs prisoners have been released during the past three years and the direction of this court to compile the data in respect of all of them, would be a stupendous exercise and need a lot of time. It is further stated that to prevent any such mistake as has happened in the present matter, the Prison (Headquarters) has constituted a Committee to randomly inspect the jail

records concerning detention of prisoners in jail and their release. Further, a Circular has been issued informing all concerned that no person must be detained without any valid and justified reason and that the erring official will be held responsible for such a lapse.

2 We may note that Mr. Goyal, D.G. (Prisons), who is present in the hearing, has assured this court that after a lot of introspection, it has been decided that course correction is warranted within the Department. He informs us that 14 Law Officers are also being appointed on a contractual basis very soon and they will be available to each of the jails for advice and guidance, wherever required.

3 Having perused the Status Report filed by the D.G. (Prisons), we propose to let the matter rest here. However, taking note of the explanation sought to be offered by the Superintendent, Central Jail-I, for unlawfully detaining the petitioner in prison beyond 20.06.2020, we are of the opinion that officers posted in the jails, particularly, those of the rank of the Superintendents, Deputy Superintendents and Assistant Superintendents must be apprised of their duties and obligations in law so that such an incident is not repeated in the future.

4 Accordingly, Member (Secretary), Delhi State Legal Services Authority (DSLISA) is directed to arrange online workshops, tailor-made for the said purpose. The Superintendents, Deputy Superintendents and Assistant Superintendents, Jail and all the 14 Law Officers who have been appointed by the Prison (Headquarters) shall attend the said workshops on dates that may be fixed in consultation with the D.G. (Prisons). In the said workshop, the relevant provisions of law and the case law shall be discussed with the attendees and they shall be apprised of the various nuances of law



relating to the prisoners and their rights and the duty of the jail authorities qua them. It is further directed that Member (Secretary), DSLSA shall organize similar workshops in conjunction with D.G. (Prisons) on a regular interval and at least once a year.

5 Member (Secretary), DLSA is requested to file a compliance affidavit after conducting the online workshops in respect of the Superintendents, Deputy Superintendents and Assistant Superintendents and the 14 law Officers.

6 List for reporting compliance on 14.09.2020.

A copy of this order shall be e-mailed to the Member (Secretary), DLSA for information and necessary action.

**HIMA KOHLI, J**

**SUBRAMONIUM PRASAD, J**

**AUGUST 06, 2020**

A/rkb

