



2024:DHC:7639



\$~14

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

% ***Date of decision: 23rd September, 2024***

+ **W.P.(CRL) 1506/2024, CRL.M.A. 14677/2024**

SUKASH CHANDRASHEKHAR @ SUKESHPetitioner

Through: Counsel for petitioner.

Versus

STATE GOVT NCT OF DELHI THROUGH DG PRISONS

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC (Crl.) for the State with Ms. Charu Sharma, Mr. Arijit Sharma, Mr. Vaibhav Vats and Mr. Nikunj Bindal, Advocates with Inspector Rakesh Rathor, PS EOW.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

W.P.(CRL) 1506/2024

1. The Writ Petition under Article 226 and 227 of the Constitution of India, 1950 and Section 482 of the Cr.P.C., 1973 has been filed on behalf of the petitioner seeking directions to the jail officials not to transfer the petitioner from Jail No. 13, Mandoli to any other Jail in view of Rule 667(1) of the Delhi Prison Rules, 2018 and to direct the respondent to give him four days' advance Notice in case of his transfer to any other Court.

2. The petitioner is in judicial custody since 2017 in FIR No.124/2021 dated 20.08.2021 and in FIR No. 208/2021 since 08.08.2021, registered at Police Station, EOW and Special Cell. It is submitted that from the Medical



Report dated 15.09.2023, it is evident that he is suffering from Cholelithiasis (stones in gall bladder) since 2020 and also has borderline Splenomegaly and Grade-1 Haemorrhoids for which he had been sent to Safdarjung Hospital and Ram Manohar Lohia Hospital, for his treatment. He is also undergoing physiotherapy and has been advised to take serious precautions regarding bending, squatting and lifting of heavy weights.

3. He is being taken to higher Centres as and when required. Available resources are being utilized to provide appropriate treatment. As per the available records, the inmate had the follow up visiting Psychiatrist on regular basis since July 2020 as he had been diagnosed of having anxiety disorder and is being treated accordingly and has shown significant improvement.

4. The petitioner has stated that he be not transferred from the Jail Mandoli as he is suffering from various ailments including Gall Bladder stones since 2020 and had been taken to Safdarjung Hospital and RML Hospital. The transfer would interfere in his Medical treatment It is, therefore, submitted that he may not be transferred from this Court.

5. *Learned ASC on behalf of the State* submits that an earlier W.P. (Crl.) No. 1087/2024, titled *Sukash Chandrashekar @ Sukesh vs. State Govt. NCT of Delhi through DG Prisons* had been filed with a prayer that the representation of the petitioner dated 09.03.2024 be decided and transfer of the official Mr. Dhananjay Rawat from Jail No. 13, Mandoli, be made in the interest of justice. The Petition was disposed of *vide* Order dated 16.04.2024 by observing that the representation of the petitioner be decided within 15 days. Learned ASC for the State submits that this present Petition is an endeavour to not be shifted out of Mandoli Jail and is essentially to



2024:DHC:7639



over reach the decision, which may have been taken by the Jail Authorities, to not transfer the official as sought by the petitioner.

6. **Submissions heard.**

7. The medical Status Report clearly reflects that for his physical ailments, the petitioner has been taken to Safdarjung Hospital and RML Hospital and even to higher Centres as and when required. Thus, for his physiological ailments, he is being treated at outside hospitals.

8. It is claimed that he is suffering from anxiety and is being treated by a Psychiatrist and his present condition is stable. However, the Central Jail, Tihar also has similar facility of psychiatric treatment. Therefore, such directions which interfere with the administration of Jail should not be made unless there are any compelling reasons or mala fides reflected on the part of Jail Administration. No such grounds can be seen; rather it is the petitioner who had filed an earlier Writ Petition, wherein he was seeking the transfer of one official Mr. Dhananjay Rawat from Jail No.13, Mandoli.

9. Therefore, considering that the treatment which the petitioner is undergoing can easily be made available to him at other Jail complexes, this Court does not find any necessity for issuing directions for not transferring the petitioner to other jails, if so necessitated for the administrative reasons. However, three days Notice be given to the petitioner in case he is being shifted from this jail to another jail.

10. The petition is accordingly disposed of along with the pending Application.

**(NEENA BANSAL KRISHNA)
JUDGE**

**SEPTEMBER 23, 2024
RS/VA**