

9 SC 69/2016
STATE Vs. MOHD. ISHRAT
FIR No. 15/2016
(Seelam Pur)

28.07.2026

Present: None for the state
Accused Md Ishrat produced from JC. (Jail No. 11, Mandoli)
Sh. Jai Kumar Sharma, Ld. LAC for accused Md. Ishrat.

Matter is at the stage of final arguments.

Due to non availability of Ld. Substitute Addl. PP, the main matter for the purpose of final arguments stands passover till **02:00 PM**.

Accused be sent back to judicial lockup at Court Complex and be again produced before this court at **02:00 PM**.

(BALWINDER SINGH)
ASJ (FTC)/North-
East/KKD Courts/
Delhi/28.07.2026

At 11:00 AM

Present: Sh. S. K. Tripathi, Ld. Substitute Addl. PP for the State.
Sh. Neeraj Dhawan Jail Superintendent and Sh. S. G. K. Murti Deputy Jail Superintendent Central Jail No. 11, Mandoli are present.
Sh. Jai Sharma, Ld. LAC for the accused.

At this stage, the file is taken up on the appearance of Sh. Neeraj Dhawan Jail Superintendent and Sh. S. G. K. Murti Deputy Jail Superintendent Central Jail No. 11.

It is state by Sh Neeraj Dhawan Jail Superintendent that an

application u/s 362 BNSS has already been filed before this court seeking recall/modification of certain direction issued by this court vide its order dated 11.07.2026. It is further submitted that a report dated 13.07.2026 was also filed by Deputy Superintendent before the court pursuant to the directions issued on 11.07.2026.

The perusal of judicial record also reveals the filing of the above-said application and report dated 13.07.2026 (though no such report was ever called by the court).

It is relevant to note here that on 08.07.2026, during the production of accused through VC certain submissions were made by accused Ishrat regarding alleged torture and beating by the jail staff namely Asst. Superintendent Sh. Shakti Singh and some other inmates at his instance. Pursuant to such disclosure, the jail duty operator was directed to call the Jail Superintendent for necessary inquiry/clarification and thereafter, Sh. Shakti Singh, Assistant Superintendent attended the court proceedings through VC from the jail complex on behalf of Jail Superintendent and while denying the allegation of the accused, informed regarding the recovery of some prohibited material from the possession of the accused.

However, without going into the veracity of the submissions of either side, the court directed Sh. Shakti Singh, Assistant Superintendent to get the immediate medical examination of the accused conducted at the jail OPD and thereafter, to submit a report thereof before the court on 11.07.2026.

It is further relevant to note here that on 11.07.2026, no report in relation to the medical examination of the accused as directed

by the court on 08.07.2026 was filed in the court. Further since, the accused also informed that he was never taken to jail OPD for the purpose of his medical examination, the court directed the immediate medical examination of the accused at Dr. Hedgewar Hospital KKD Courts and accordingly, instructed In-charge Lockup to produce the accused before MS, Dr. Hedgewar Hospital, KKD for his medical examination.

A report regarding the medical examination of accused was also received in the court on the same day at about 03:30 PM which revealed that though no fresh external injuries were noticed on any part of the body of the accused during his examination, however, the accused was found to be having one old yellowish bruise over right foot great toe, old abrasion with scab over left leg distal part anterior aspect and one old abrasion with scab over left foot ankle. Further, the accused had also disclosed pain in bilateral foot and left leg.

Pursuant to the above-said report, Jail Superintendent was directed to conduct necessary inquiry into the alleged incident behind the alleged injuries of the accused as well as his complaint of beating and torture committed by Sh. Shakti Singh, Assistant Superintendent.

Further, since there was an utter failure on the part of Sh. Shakti Singh, Assistant Superintendent to comply with the directions of the court regarding the immediate conduct of the medical examination of accused, Jail Superintendent was also directed to initiate necessary disciplinary inquiry for such non compliance.

In order to ensure the fairness of proceedings, the Jail Superintendent was also directed to send Sh. Shakti Singh, Assistant

Superintendent to compulsory leave till the conclusion of inquiry and was also further directed to submit the final report before this court by 28.07.2026 i.e. today.

It is pertinent to note here that however, till date no report in terms of order dated 11.07.2026 with respect to the inquiry into the alleged incident has been filed before the court.

Further, it has also been informed by Sh. Neeraj Dhawan Jail Superintendent that vide order dated 21.07.2026, DIG Prison has already marked the inquiry in question to Jail Superintendent, Cental Jail No. 15 and as such he is looking into the said inquiry, though, he has also chosen not to attend the court and submit any such report.

It is relevant to note here that the report dated 13.07.2026 which was filed in the court by Sh. S. G. K. Murti Deputy Superintendent, also does not reveal that any medical examination of accused was ever conducted in jail OPD on 08.07.2026 as was directed by the court, though, the report is also containing one report of Senior Medical Officer, Central Jail No.11 showing that the accused visited the jail dispensary OPD on 07.07.2026 with complaints of pain over both lower limbs. Further it also mentions the follow up of accused on 09.07.2026 and 13.07.2026. Besides, the report also contains the detail of the punishment provided to the accused due to his unsatisfactory conduct. Thus, the report also filed by Deputy Superintendent on 13.07.2026 corroborates the fact that the directions of the court regarding conduct of the medical examination of accused issued on 08.07.2026 were never complied with.

As far as the application filed by Jail Superintendent, Jail

No.11 for recalling/modification of directions issued on 11.07.2026 is concerned, by way of the said application the Jail Superintendent is basically seeking the modification of the directions issued by the court regarding initiation of disciplinary proceedings against Sh. Shakti Singh, Assistant Superintendent and of him being sent to compulsory leave till the conclusion of the inquiry.

At the onset, it is relevant to note here that the application in question has not been moved by aggrieved party i.e. Sh. Shakti Singh, Assistant Superintendent nor it has any concurrence of the said official and apparently Sh Neeraj Dhawan Jail Superintendent has filed the same on its own.

It is relevant to mention here that the main premise for moving the above-said application is that the directions issued by the court were solely based on the allegations leveled by the accused and the concerned official was never afforded any opportunity to explain his position.

It is also stated in the application that even the report of the medical examination conducted at Dr. Hedgewar Hospital also does not corroborate the allegation of the accused as no fresh external injury was found on his body and only certain old healed abrasion and bruises were noticed.

It is further stated that moreover, the accused is a habitual offender against whom several punishment have already been awarded for his misconduct. Further the allegations of the accused are yet to be established through an independent inquiry, however, the directions of

the court sending the concerned official to compulsory leave has the effect of casting a stigma upon his reputation particularly when the allegations are yet to be verified.

It is also submitted that placing of an officer on compulsory leave is a matter governed by the applicable service rules and administrative instructions. Further, the competent authority is required to examine the facts and take an appropriate decision in accordance with law after considering the nature of allegations and the material available on record.

It is also stated that the jail administration undertakes that the allegations made by the accused shall be inquired into objectively by a Senior Officer not connected with the incident and that the report shall also be submitted before this Hon'ble Court. Further an extension of two weeks more time is also sought to conclude the inquiry.

Upon the perusal of the above-said application, it is seen that though, a number of averments have been made by Sh. Neeraj Dhawan Jail Superintendent in his application, however, it is not explained as to for what purpose and under which capacity the above-said application has been filed by the Jail Superintendent.

The very perusal of order dated 11.07.2026, sufficiently makes it clear that only two directions were passed by the court to Jail Superintendent, Central Jail No.11, due to the non compliance of the court directions dated 08.07.2026. Firstly, to initiate disciplinary proceedings against Sh. Shakti Singh, Asst. Superintendent for non medical examination of accused and, secondly, to conduct an inquiry into the allegation of the accused regarding the alleged beating and

torture.

As far as the first direction is concerned, it was only Sh Shakti Singh, Asst. Superintendent who would have been the aggrieved party and as such only he could have moved any application before the court for seeking apologies or remorse for his conduct and stopping of such proceedings. However, there is no such application filed on behalf of the said official.

As far as the application filed by the Jail Superintendent is concerned, he has no locus to file any such application and it is very strange on his part why he has bothered to file any such application and even chose to attend the court for pursuing the same when as per his own submissions even the inquiry into the allegation of alleged incident of beating and torture has also been already assigned to Jail Superintendent, Jail No. 15,. The court is unable to understand why the Jail Superintendent has taken so much pain for defending his subordinate who has not even taken any step in that regard. Likewise, the court is also unable to understand why Sh. S. G. K. Murti, Deputy Jail Superintendent preferred to file a report dated 13.07.2026 in the court when no such report was ever called from Deputy Jail Superintendent by the court.

From the above conduct of both the senior jail officers, it appears that they are very keen to defend their subordinate at any cost and even did not apply their mind before filing the above-said report and application in question. Though, the Jail Superintendent has also placed on record a copy of minutes of approval bearing the signature of DIG Prisons Sh Kuldeep Singh to show that the application in hand has been

filed with the prior approval of DIG Prisons, however, there is no such mentioning in the application. Moreover, even otherwise, when the Jail Superintendent or any other jail official cannot be said to be an aggrieved party pursuant to the passing of the directions issued by the court in relation to initiation of disciplinary proceedings against Sh. Shakti Singh none of the said official can be said to be having any locus to file the application in question and as such approval or no approval of DIG Prison for filing of the application has no effect on the maintenance of the application.

Accordingly, since there is no merit in the application filed on behalf of the Jail Superintendent and the same is even otherwise also not maintainable under the law, the same stands rejected.

For the same reason, since, in view of the assignment of the inquiry to Jail Superintendent, Central Jail No. 15 (as is himself informed by Jail Superintendent Sh. Neeraj Dhawan), Sh. Neeraj Dhawan has already become functus officio to seek any extension of time to conclude the inquiry, the request made by him for extension of time to submit the inquiry report also stands rejected.

Further since, it is also an admitted position now that no medical examination of accused was ever conducted on 08.07.2026, as was directed by the court in its directions, no scope is left for any interference with regard to the directions issued for initiation of disciplinary proceedings against Sh. Shakti Singh, Assistant Superintendent.

Likewise since, no report is also filed by the Jail Superintendent, Jail no. 15 to whom the inquiry into the incident in question is stated to be already assigned by DIG Prison and the said

official has also not bothered to attend the court and to explain the reason for non completion of the inquiry, the conduct of the Jail Superintendent Jail No.15 is also need to be brought to the notice of DIG Prisons.

Hence, let a report be called directly from DIG Prisons regarding the failure on the part of the jail authorities to comply with the directions of the court with further direction to submit the final inquiry report into the alleged incident of beating and torture to the accused before this court by 05.08.2026.

Accordingly, a copy of this order be sent to DIG Prisons, Mandoli Jail for his information and necessary compliance as well as to apprise him about the conduct of Sh. Neeraj Dhawan Jail Superintendent, Sh. S. G. K. Murti Deputy Jail Superintendent as well as Jail Superintendent, Central Jail No. 15, Mandoli.

Put up for further proceedings in the main case at 02:00 PM.

**(BALWINDER SINGH)
ASJ (FTC)/North-
East/KKD Courts/
Delhi/28.07.2026**

At 02:00 PM

Present: Sh. S. K. Tripathi, Ld. Substitute Addl. PP for the State.
Accused produced from JC. (Jail No.11, Mandoli)

Since regular Ld. Addl. PP for the State is on leave today and it is requested by the Ld. Substitute Addl. PP for the State that it would be more appropriate, if the final arguments are advanced by regular Ld. Addl. PP for the State, at request of Ld. Substitute Addl. PP for the State, matter stands adjourned for same purpose for **07.08.2026**.

At this stage, accused has stated that from the day he had

made a complaint regrading the atrocities committed by the jail staff especially Sh. Shakti Singh, Assistant Superintendent and other jail inmates at his instance, he is receiving continuous threats from 3 jail inmates namely Sanjay S/o Gyanchand, Danish S/o Md. Ali and Zakir Baba who are threatening him to attack him with blade and to inflict serious injuries. Accordingly, he has stated that he has serious apprehension of threat to his life from the said jail inmates and therefore, necessary directions may be passed for his safety inside the jail complex.

In view of the submission, a copy of this order be also sent to Jail Superintendent No. 11 to take necessary steps in order to ensure the safety of accused and also to submit action taken report before this court on NDOH.

**(BALWINDER SINGH)
ASJ (FTC)/North-
East/KKD Courts/
Delhi/28.07.2026**