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

+ **W.P.(CRL) 2081/2025 & CRL.M.A. 9905/2026**

DEEPAK NANDA

.....Petitioner

Through: Appearance not given.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amol Sinha, ASC for the State.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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03.07.2026

1. Earlier, the rejection of petitioner's entitlement to place him under open prison was not considered on the ground that he was convicted under Section 397 of the Indian Penal Code, 1860 [IPC], however, this position has been clarified and it has been found that the conviction is under Section 394 of the IPC. The Court has also captured the said aspect in the order dated 01.09.2025. In view of the aforesaid, the eligibility of the petitioner requires to be considered in accordance with law.
2. Learned counsel appearing on behalf of the petitioner submits that, because of administrative lapse, the petitioner has already suffered and, therefore, the respondent must bestow sympathetic consideration in reduction of the required period to remain in semi-open prison.
3. Let this aspect be also considered by the respondent- authorities, bearing in mind the facts and circumstances as obtained in this case.



4. Let the decision regarding the eligibility of the petitioner for shifting in open prison be considered with due expedition within a period of four weeks from the date of receipt of a copy of the order passed today. Let a copy of the order be also sent to the Superintendent of jail.
5. Petition stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

JULY 3, 2026/P