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

CNR No. DLHC010415532025

+ **W.P.(CRL) 2081/2025**

DEEPAK NANDA

.....Petitioner

Through: **Mr. Sathak Maggon, Adv.**
versus

STATE (NCT OF DELHI)

.....Respondent

Through: **Mr. Amol Sinha (ASC, Criminal for State) along with Mr. Kshitiz Garg, Mr. Ashvini Kumar, Mrs. Chavi Lazarus and Mr. Nitish Dhawan, Advs.**
SI Sandeep, PS: Bindapur.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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18.08.2026

CRL.M.A. 25338/2026 (for compliance of the order dated 03.07.2026)

1. The petitioner seeks compliance of the order dated 03.07.2026.
2. Though, the application in the disposed of matter seeking compliance, may not be *prima facie* maintainable. However, bearing in mind the fact that the petitioner is in jail and has already suffered about 20 years of imprisonment, the Court on 03.07.2026 has passed the following directions:

“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.”

3. Issue notice.

4. Notice on behalf of the State is accepted by Mr. Amol Sinha, learned APP for the State. Let him take instructions and to file a response to the averments made in the application.

5. Besides the aforesaid, Mr. Sinha to also satisfy the Court why the Court should not take the action of *suo moto* contempt against the concerned officer. Let the name of the concerned Officer be also indicated in the response.

6. List on 31.08.2026.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 18, 2026/P