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

+ W.P.(CRL) 3173/2024 & Crl.M.As.30748-49/2024

RAMESHWARI DEVI & ANR.

.....Petitioners

Through: Ms. Rebecca John, Senior Advocate
with Mr. Sarthak Maggon, Ms. Tanvi,
and Ms. Anushka Baruah, Advocates

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC for
State

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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12.11.2024

1. Learned Additional Standing Counsel (ASC) for the State is unable to explain the contents of letter dated 9th April, 2024 written to the Deputy Secretary (Home) by the Superintendent (Prison), Central Jail No.6, Tihar regarding the premature release of the petitioner.
2. It is vehemently contended by the learned Senior Counsel appearing on behalf of petitioners that the said letter was written to the Deputy Secretary, Home on 9th April, 2024, and despite expiry of more than 7 months, no decision has been yet taken by the competent authority.
3. It is also submitted by the learned Senior Counsel for the petitioners that the provision of Article 72 of the Constitution of India has been wrongly mentioned by the author of the aforesaid letter as the Constitution of India provides powers of condonation of sentence to the Lt. Governor



under a different provision i.e. Article 161.

4. Upon perusal of the contents of the letter in question dated 9th April, 2024 and due to the factum that the learned ASC for the State is unable to explain as to why no action has been taken by the competent authority after expiry of more than 7 months, this Court has no option except to direct the Deputy Secretary (Home) and Superintendent (Prison), Central Jail No.6, Tihar to file affidavits before this Court explaining the non-action and the contents of the aforesaid letter dated 9th April, 2024 before the next date of hearing.

5. List on 26th November, 2024.

CHANDRA DHARI SINGH, J

NOVEMBER 12, 2024

Rt/av

Click here to check corrigendum, if any