

2025 LiveLaw (SC) 938

IN THE SUPREME COURT OF INDIA

J.B. PARDIWALA; J. K.V. VISWANATHAN; J.

Petition for Special Leave to Appeal (Crl.) No.11244/2025; 08-09-2025

SOHAN SINGH @ BABLU *versus* STATE OF MADHYA PRADESH

Constitution of India - Article 21 - Illegal detention - Supreme Court orders MP Govt. to pay Rs. 25 lakhs compensation to convict who spend extra 4.7 years in jail after serving sentence in a rape case - Petitioner was not released until 06.06.2025, despite completing the term in June 2021 - Delay amounted to unlawful detention and curtailment of liberty - Supreme Court raised concern over other convicts languishing unjustly and called for the High Courts to investigate the issue comprehensively. [Paras 2-8, 16-21]

[Arising out of impugned final judgment and order dated 10-10-2017 in CRA No. 1613/2005 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

For Petitioner(s): Mr. Mahfooz Ahsan Nazki, AOR Ms. Ayushma Awasthi, Adv. Mr. Vivek Rajan D.b, Adv. Mr. Hemant Gupta, Adv.

For Respondent(s): Mr. Nachiketa Joshi, A.A.G. Ms. Mrinal Gopal Elker, AOR Mr. Abhimanyu Singh -g.a., Adv. Mr. Gautam Singh, Adv. Mr. Aditya Chaudhary, Adv.

ORDER

1. This application is at the instance of the original petitioner (convict) seeking the following reliefs: -

“(a) award interim monetary compensation to the petitioner for the wrongful incarceration suffered beyond the sentence imposed by the Hon’ble High Court;

(b) direct an independent enquiry into the circumstances leading to the petitioner’s illegal detention and take appropriate disciplinary or legal action against the officials responsible.”

2. We take notice of the fact that the Special Leave Petition came to be filed by the petitioner against the Judgment and Order passed by the High Court of Madhya Pradesh dated 10-10-2017 in Criminal Appeal No.1613/2005 by which the High Court partly allowed the appeal filed by the petitioner – herein and reduced the sentence to 7 years of rigorous imprisonment.

3. It appears that the petitioner – herein was put to trial in Sessions Trial No.416/2004 for the offence punishable under Sections 376(1), 450 and 506B of the Indian Penal Code (for short, “the IPC”) respectively and was sentenced to undergo life imprisonment with fine of Rs.2000/-.

4. The petitioner, being dissatisfied with the judgment and order of conviction passed by the Trial Court, went in appeal before the High Court.

5. As noted above, the High Court partly allowed the appeal and reduced the sentence from life imprisonment to the minimum of 7 years as prescribed under Section 375 of the IPC as it stood prior to the amendment of 2018.

6. It is too late in the day now to adjudicate or look into the special leave petition filed by the petitioner – herein as he has already undergone 7 years of RI imposed by the High Court.

7. However, what compelled the petitioner – herein to prefer the present application is the fact that although he had completed 7 years of imprisonment sometime in June, 2021,

he came to be actually released by the Jail authorities only after 4 years and 7 months to be precise on 6-6-2025.

8. What has been highlighted by the petitioner is something very serious. Although the State has tried to explain in its own way, yet we are at pains to state that the State has tried to mislead this Court. In its counter affidavit dated 6-9-2025, the following has been stated in Para 27: -

“Para 27. The omission appears to have occurred at the level of communication between the High Court registry and the Sessions Court/Jail, resulting in no supersession warrant being generated in 2017.”

9. In para 28, the deponent has stated as under:

“Immediately upon receipt of the order copy from learned AOR on 06.06.2025, the Jail Superintendent demanded a supersession warrant, which was issued and complied with the same day. The petitioner was forthwith released.”

10. Whereas in the additional affidavit dated 7-9-2025, the following has been stated in para 5: -

“In Memorandum No. 4533/2-12-24/25 dated 29.07.2025, it was stated that in the matter of Session Trial No. 416/2004 State of Madhya Pradesh Vs. Sohan Singh @ Bablu s/o Abhay Singh Yadav, in which Appeal No. 1613/2005 was preferred and order was passed on 10.10.2017. Following the order dated 10.10.2017, a supersession warrant was sent by then First Additional Sessions Judge, Shri Amit Ranjan Samadhiya, Khurai to Naib Nazir, Nazarat Section, Khurai via post no. 385/2017 on 09.11.2017. It was enquired whether such warrant was sent by Khurai postal on 09.11.2017 Khurai Jail, District Sagar or not. A response to this was sought by the District Judge, Sagar. A true and translated copy of Memorandum dated 16.07.2025, 23.07.2025 and 29.07.25, is annexed herewith and marked as ANNEXURE R/1. (Page No. 8 to 16).”

11. The averments made in the two affidavits, referred to above, are self-contradictory.

12. We should also look into the averments made in Para 12 of the affidavit dated 7-9-2025. The same reads thus: -

“That from the above sequence of events, it is respectfully submitted that although the Hon’ble High Court had decided the appeal on 10.10.2017 and a supersession warrant was outwardsed on 09.11.2017, the same was never received in the office of the Superintendent, Sub Jail, Khurai. Despite repeated verifications and endorsements issued in July, 2025, it stands confirmed that the warrant was not delivered to, or received by, any order bearer of the said Sub Jail.”

13. What has been tried to explain as afore-stated is nothing but an eyewash.

14. The Deputy Jail Superintendent of Central Jail, District Sagar, M.P. has no idea as to what he has stated in the two affidavits, referred to above.

15. We cut short the matter.

16. The learned Senior counsel appearing for the State of M.P. fairly submitted that the petitioner should have been released from jail in the year 2021 itself having completed 7 years of RI whereas he was actually released in 2025 i.e. almost after a delay of 4 years and 7 months. For 4 years and 7 months, the petitioner remained in jail for no fault on his part. His personal liberty could be said to have been curtailed in violation of Article 21 of the Constitution of India.

17. In such circumstances, referred to above, we have reached the conclusion that the petitioner is entitled to compensation in terms of money from the State for his unlawful detention in jail for a period of more than 4 years.

18. We direct the State of M.P. to pay an amount of Rs.25,00,000/- (Rupees Twenty-Five Lakh only) to the petitioner by way of compensation within a period of four weeks from today. Once this amount is paid, the State shall report compliance of the same to this Court.
19. The District Legal Services Authority, Sagar, M.P. shall ensure that this amount is received by the petitioner in accordance with the directions issued by this Court. The District Legal Services Authority, Sagar, M.P. shall also file its report of compliance.
20. We wonder how many such convicts like the petitioner – herein having undergone the entire sentence are still languishing in different jails in the State of M.P.
21. Let the High Court of M.P. look into this issue very seriously and entrust a responsible officer the task to ascertain if there are any other convicts still languishing in jail having completed the entire period of sentence.
22. The Registry is directed to forward one copy of this Order to Hon'ble the Chief Justice of the High Court of Madhya Pradesh.
23. List after four weeks.

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