

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CRIMINAL) Diary No(s). 48045/2024

MOHD. ARIF

Petitioner(s)

VERSUS

STATE (GOVT. OF NCT OF DELHI)

Respondent(s)

Date : 21-04-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) :Ms. Ansuiya, Adv.
Mr. Shivaansh Maini, Adv.
Mr. Prem Malhotra, AOR

For Respondent(s) :Mr. Mukesh Kumar Maroria, AOR
Mr. Aditya Sondhi, Adv.
Mr. Annirudh Sharma, Adv.
Mr. Aman Pawar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have heard the learned senior counsel appearing for the Delhi Government. Mr. A. Anbarasu, Principal Secretary (Home), GNCLD and Mr. Satish Golcha, IPS-DG Prisons are present today.

All that we can say is that a very sorry state of affairs prevails when it comes to Delhi Government's approach while dealing with the issue of pre-mature release of the prisoners. There is much to be said about it. On 25th November, 2024, this Court passed following order:

"The learned counsel appearing for the respondent State pointed out that in September, 2024 the case of the petitioner was placed before the Sentence Review Board and consideration has been deferred. We fail to understand how consideration can be deferred. Before the next date, the case shall be placed before the Sentence Review Board and appropriate decision shall be taken.

List on 9th December, 2024.

The interim relief granted earlier by this Court to continue."

In the order dated 25th November, 2024 itself, this Court has expressed its reservation about the act of deferring the consideration of the case of the petitioner. The assurance recorded in the said order was not complied with. The Government applied for the extension of time. This Court showed leniency and on 9th December, 2024, granted extension of time. On 9th December, 2024, following order was passed:

"I.A. No.282142 of 2024 is allowed at the assurance of learned counsel appearing for the respondent-State that the case of the petitioner will be considered by the Sentence Review Board in a meeting scheduled tomorrow.

Time is extended till 31st January, 2025.

List on 7th February, 2025.

Interim relief granted earlier by this Court will continue to operate."

We have perused the minutes of the meeting of the Sentence Review Board held on 10th December, 2024. It clearly records that after a detailed discussion, as consensus could not be arrived at on the proposal of the petitioner for pre-mature release, it was decided to defer the proposal. Our attention is invited to Rule

1257 (b) of the relevant Rules which provides that if unanimous decision cannot be made by Sentence Review Board, the majority view shall prevail and shall be deemed to be the decision of the Board. Unfortunately, in the minutes of meeting dated 10th December, 2024, it is not mentioned what was the majority view. Both the officers who are present today were also present in the meeting. In spite of the repeated queries, they are reluctant to tell us whether the majority was against the petitioner or in favour of the petitioner. We can draw appropriate inferences from their silence.

Though it was assured by the Delhi Government to this Court that the case will be considered in the meeting held on 10th December, 2024, that has not been done. Perhaps a deeper probe is required in this case about the manner in which the Court orders were dealt with by the Delhi Government and the manner in which prayers for pre-mature release are being dealt with by the Delhi Government.

Thereafter, on two occasions, meetings were conveyed very hurriedly and the case of the petitioner was rejected. We have never seen such an urgency on the part of the Delhi Government in dealing with the cases of premature release.

Faced with these difficulty, the learned counsel appearing for the Delhi Government assures the Court that on instructions of Mr. A. Anbarasu, Principal Secretary (Home), GNCLD and Mr. Satish Golcha, IPS-DG Prisons, who are present today, that a meeting of Sentence Review Board shall be immediately convened and a fresh decision will be taken.

To enable the Government to place on record the outcome of the

proceedings, list on 9th May, 2025.

Interim relief granted earlier by this Court will continue to operate till further orders.

For the time being, personal presence of the officers is dispensed with.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)