

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CJ Court

Case No. : WP(Crl) No. 82/2025

Court on its own motion

..... Appellant/Petitioner(s)

Through: Ms. Shivani Jalali, Sr. Advocate (Amicus
Curiae) with Mr. Vishyant Singh, Advocate
Ms. Mehreen Altaf, Amicus Curiae
(Through VC)

Vs

Nemo

..... Respondent(s)

Through: Ms. Monika Kohli, Sr.AAG
Mr. Vishal Sharma, DSGI (Sr. Advocate)
with Mr. Sumant Sudan, Advocate
Ms. Mandeep Reen, Advocate
Ms. Pariksha Parmar, Advocate
Ms. Damini Singh Chouhan, Advocate

**Coram: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

ORDER

08.12.2025

1. Vide judgment dated February 18, 2025, the Supreme Court in Suo Moto writ petition (Criminal) No. 4/2021 in Policy Strategy for Grant of Bail, had issued a series of directions concerning framing and implementation of Government policy for grant of premature release under Section 432 CrPC, corresponding to Section 473 of the BNSS. And the Government was directed to consider cases of all the convicts for premature release as soon as they attained eligibility under the applicable policy. Further, no separate application for grant of permanent remission was required for such consideration. It was observed that all such States and Union Territories that did not have any such policy would formulate a policy within two months from the date of the judgment. And every order granting or refusing permanent remission would contain reasons and

shall immediately be communicated to the convict through the concerned prison authorities who shall also inform the convict of his rights to assail the order rejecting remission. Additionally, the said communication shall also be forwarded to the Secretary of the concerned District Legal Services Authority (DLSA). And the District Legal Services Authorities were also directed to ensure implementation of the NALSA Standard Operating Procedure (SOP).

2. Vide a subsequent order dated **April 25, 2025**, the State Governments were directed to report compliance with the judgment and order dated February 18, 2025 within a period of two months and file a compliance affidavit.

3. Where after, when the matter was taken up on May 08, 2025, the Supreme Court sought response from all High Courts on the suggestions placed before it by the learned Amicus Curiae. The office report indicates that in compliance with the said direction, the High Court of Jammu & Kashmir and Ladakh has submitted its response on November 03, 2025.

4. On November 04, 2025, the Supreme Court passed yet another order, wherein, under paragraphs 8, 9 and 10, the Chief Justices of all High Courts were required to register a Suo Moto Writ Petition to monitor and supervise the implementation of the remission and premature release policies of their respective states. And, a Division Bench was to be constituted for this purpose to ensure that an affidavit of compliance is filed before the Hon'ble Supreme Court on or before January 20, 2026.

5. An office note dated December 03, 2025 submitted by the Registrar Judicial reveals that the Government of Jammu and Kashmir, in compliance with the judgment dated April 25, 2025 (ibid) has notified **“The Policy Guidelines for Remission/Premature Release of Life Convicts”** through Order No. 548/Home of 2025 dated November 17, 2025. Similarly, provisions WP(Crl) No. 82/2025

relating to remission of prisoners stand incorporated in Chapter XVIII of the **Ladakh Prison Manual 2021 (Premature Release, Remission and Commutation)**, vide order No. 66-Home of 2025 dated July 18, 2025.

6. Thus, this petition.

7. Accordingly, (1) Union Territory of Jammu and Kashmir, through Principal Secretary, Home Department, Civil Secretariat, Jammu (2) Union Territory of Ladakh, through Principal Secretary, Home Department, Ladakh, (3) Director General of Police, Prisons, Union Territory of Jammu and Kashmir, (4) Director General of Police, Prisons, Union Territory of Ladakh, (5) Jammu and Kashmir Legal Services Authority, through Member Secretary, (6) Ladakh Legal Services Authority, through Member Secretary and (7) Jammu & Kashmir and Ladakh High Court Legal Services Committee, are arrayed as respondents.

8. Notice.

9. Ms. Monika Kohli, learned Sr. AAG accepts notice on behalf of (1) Union Territory of Jammu and Kashmir, through Principal Secretary, Home Department, Civil Secretariat, Jammu and (3) Director General of Police, Prisons, Union Territory of Jammu and Kashmir, Mr. Vishal Sharma, learned DSGI (Sr. Advocate) with Mr. Sumant Sudan, Advocate accepts notice on behalf of (2) Union Territory of Ladakh, through Principal Secretary, Home Department, Ladakh and (4) Director General of Police, Prisons, Union Territory of Ladakh, Ms. Mandeep Reen, learned counsel accepts notice on behalf of (5) Jammu and Kashmir Legal Services Authority, Ms. Pariksha Parmar, learned counsel accepts notice on behalf of (6) Ladakh Legal Services Authority, through Member Secretary and Ms. Damini Singh Chouhan, learned counsel accepts notice on behalf of (7) Jammu & Kashmir and Ladakh High

Court Legal Services Committee and pray for a short accommodation to seek instructions and submit response.

10. Given the nature of the matter, as also to monitor and supervise the implementation of the remission and premature release policy, Ms. Shivani Jalali, learned Sr. Advocate and Ms. Mehreen Altaf, learned counsel, present in Court are requested to render assistance, to which they, as always, graciously agreed. Accordingly, they are appointed as Amicus Curiae in the matter. The office is directed to furnish a complete set of paper book to the learned Amicus Curiae

11. Adjourned to 16.12.2025.

(Rajnish Oswal)
Judge

(Arun Palli)
Chief Justice

Jammu
08.12.2025
Pawan Angotra

