

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 : 07-03-2025 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) : Mr. Prem Malhotra, AOR
Ms. Ansuiya, Adv.

For Respondent(s) : Mr. Mukesh Kumar Maroria, AOR
Mr. Zoheb Hussain, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Arkaj Kumar, Adv.
Mr. Vatsal Joshi, Adv.
Mr. Ishan Kapoor, Adv.
Mr. Kamal Kishore, Adv.

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

The affidavit produced by the State is taken on record.

Order dated 7th February, 2025 reads thus:

- "1. Learned counsel appearing for the State pointed out that recommendations of the Sentence Review Board has been placed before the Hon'ble Lieutenant Governor on 02.02.2025. There is already a delay in deciding the case of the petitioner for grant of permanent remission.
2. List on 28.02.2025.
3. It is obvious that before the next date, the decision shall be communicated to the petitioner.
4. Interim order to continue."

Today, an affidavit has been filed by Prem Singh Meena son of

Ram Singh Meena, Superintendent Prison, PHQ-II, Prison Headquarters, Tihar which for the first time brings on record the fact that the Sentence Review Board in its meeting held on 10th December, 2024 could not take any decision. The affidavit does not say that the decision of the Sentence Review Board was placed before the Hon'ble Lieutenant Governor. Therefore, the statement made by the State Government which is recorded in order dated 7th February, 2025 is completely false.

Issue notice to the Secretary of the Home Department of the Government of NCT of Delhi calling upon him to show cause why appropriate action including the action under the Contempt of Courts Act, 1971 shall not be initiated against him.

In our prima facie view, the Sentence Review Board ought to have taken a decision by majority and only because there is difference of opinion amongst the members, the recommendation cannot be deferred. Even this aspect needs to be explained by the Secretary of the Home Department. The notice is made returnable on 28th March, 2025 when he shall appear through video conference.

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

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)