

ITEM NO.1

COURT NO.6

SECTION X

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

RECORD OF PROCEEDINGS

WRIT PETITION (CRL.) NO(s). 58-115 OF 2005

NATHU & ORS.

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(With office report )

(For final disposal)

WITH W.P(CRL.) NO. 9-52 of 2005

(With office report)

(For final disposal)

W.P(CRL.) NO. 139-173 of 2005

(With office report)

(For final disposal)

Date: 06/02/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s)

Mr. S.K. Sabharwal, Adv.

Mr. M.K. Balakrishnan, Adv.

For Respondent(s)

Mr. Pramod Swarup, Adv.

Mr. Garvesh Kabra, Adv.

Mr. Anuvrat Sharma, Adv.

Mr. Sanjay Kumar Singh, Adv.

Mr. Jatinder Kumar Bhatia

Mr. Raj Singh Rana, Adv.

UPON hearing counsel the Court made the following

O R D E R

In these batches of writ petitions all the petitioners are life convicts under Section 302 IPC. Their grievance are that though they have undergone 14 or more years of imprisonment their applications for remission or commutation have not been considered by the State

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Government in terms of Section 433A of Code of Criminal Procedure.

During the pendency of the writ petitions, petitioner in W.P. No.

111/2005 namely Ledai, s/o Kallu expired on on 31/03/2006 and

therefore this petition has become infructuous. It is, accordingly,

dismissed as infructuous.

Petitioner in W.P. No. 44/2005 Raghuraj, s/o Mohd. Navi and

petitioner in Writ Petition No.115/2005 Mohd. Saraif, s/o Chandra Pal

are not entitled to be released on license. Therefore, the writ petitions are dismissed.

Petitioner in W.P. No.24/2005 Nagendra Rajbhar, s/o Badri

Rajbhar, petitioner in W.P. No.25/2005 Indra Deo, s/o Magan,

petitioner in W.P. No.101/2005 Ramprasad, s/o Kanghi, petitioner in

W.P. No.102/2005 Ram Kumar, s/o Manbodhan, petitioner in W.P.

No.103/2005 Rampher, s/o Ramharsh and petitioner in W.P.

No.145/2005 Ramnath @ Pandit, s/o Chunnu Shah have already been

released on license by the State Government. Therefore, the aforesaid

writ petitions are also dismissed as infructuous.

Rest of the petitioners who have to be considered by the

Government in terms of Section 433A of the Code of Criminal Procedure

are in Writ Petition Nos. 9,10,11,12,13,14,15,16,17,

18,19,20,21,22,23,26-28,29,30,31,32,33,34,35,36,37,38,39,40-43,

45,46,47,48,49,50,51,52,58,59,60,61,62,63,64,65,66,67,68,69,70,

71,72,73,74,75,76,77,78,79,80,81,82,83,84,85,86,87,88,89,90,91,92,93,

94,95-98,99,100,104-107,108-110,112,113,114,139,140-142,

143,144,146,147,148,149,150,151,152-154,155,157,158,160,161, 163-

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167,168,169,170,171,172,173 of 2005.

The applications of the petitioners in the aforesaid writ petitions

have not been considered by the State Government though it is stated that

they have filed their applications long ago. We direct the State

Government to consider the cases of the petitioners in the aforesaid writ

petitions and submit a report before this Court within two months from

today.

List after two months for orders.

( Ravi P. Verma )

Court Master

( Anand Singh )

Court Master