

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Writ Petition(s) (Criminal) No(s). 11/2013

SATYA PRAKASH

PETITIONER(S)

VERSUS

STATE OF U.P. & ORS.

RESPONDENT(S)

WITH

W.P.(Crl.) No. 8/2011, W.P.(Crl.) No. 60/2011, W.P.(Crl.) No. 209/2011, W.P.(Crl.) No. 75/2012, W.P.(Crl.) No. 12/2013, W.P.(Crl.) No. 41/2013, W.P.(Crl.) No. 189/2013, W.P.(Crl.) No. 213/2013, W.P.(Crl.) No. 214/2013, W.P.(Crl.) No. 142/2014 & W.P.(Crl.) No. 87/2015

O R D E R

W.P(Crl.)No(s). 11/2013

The following reliefs are claimed by the petitioner in this Writ Petition filed under Article 32 of the Constitution of India:

"(i) issue notice to the State of U.P. and other respondents.

(ii) issue writ in the nature of writ of mandamus or direction to the respondents for releasing the petitioners who have undergone actual 14 years in jail.

(iii) issue directions that the petitioners be released on bail till the final disposal by the Government of the premature release cases of lifers.

(iv) issue any other direction as this Hon'ble Court deems just and proper in the facts and circumstances of these delicate cases of lifers who are eagerly waiting to see the light."

The facts are that the petitioner herein was charged for the offence of murder, *inter alia*, under Section 302 of the IPC vide Judgment dated 27.02.1996. This judgment was confirmed in appeal by the High Court and the Special Leave Petition thereafter was also dismissed by this Court.

The petitioner was also charged for the offence of murder in another case. In that case also, he was convicted by the Court of Sessions and given death sentence. The High Court, on reference, however, confirmed the said death sentence.

However, the death sentence given to the petitioner was commuted to life by this Court vide order dated 11.02.1985 passed in Criminal Appeal No. 164 of 1985. It is significant to mention that in other proceedings being Criminal Appeal No. 998 of 2004, order was passed by this Court directing the release of the petitioner forthwith, along with other co-accused in the second case with the condition that if he is not required in any other case. Significance of the order dated 10.09.2004 is that insofar as second case is concerned, the petitioner has already served the sentence as he is directed to be released. Thus, he is undergoing life imprisonment in the first case.

We may at this stage note that the issue of remission of sentence in those cases where the convicts are undergoin life sentence, along with certain other issues, came up before the Constitution Bench of this Court and has been decided by the Constitution Bench in Union of India vs. V. Sriharan @ Murugan &

Ors. [2014(4)SCC 242]. Therefore, as far as Writ Petition of the petitioner is concerned, it is disposed of in terms of the aforesaid judgment with the liberty to the petitioner to approach the Government by appropriate application in accordance with the procedure stated in the said judgment. The petitioner will be entitled to move the said petition within two months. When such petition is made same shall be considered by the Competent Authority and necessary orders be passed thereon within three months thereafter.

The learned counsel for the petitioner, however, presses relief no. (iii) in the Writ Petition.

The petitioner has undergone more than 21 years of imprisonment (with remission). The stand taken by the learned counsel for the petitioner though is that in fact, he has suffered incarceration for almost 30 years. In view of the aforesaid circumstance, we are inclined to release the petitioner on bail for a period of six months subject to the condition that may be imposed by the Trial Court.

Having regard to the time table set up by us, the petition of remission of sentence would be decided within five months. In case, the said petition is decided against the petitioner, the petitioner shall surrender to the Jail Authorities.

Needless to mention that the petition of remission of sentence shall be decided on its own merits without any influence of the orders passed by this Court as well as by the High Court.

The Writ Petition is disposed of in the aforestated terms.

Copy of this Order shall be sent to the Trial Court and Jail Authorities forthwith.

W.P.(Crl.)No.75/2012, W.P.(Crl.)No.189/2013 & W.P.(Crl.)No.142/2014.

Benefit of the bail in identical terms, as stated above in W.P(Crl.)No(s). 11/2013, is extended to the petitioner(s). Writ Petitions are disposed of in those terms.

W.P.(Crl.) No. 8/2011, W.P.(Crl.) No. 60/2011, W.P.(Crl.) No. 209/2011, W.P.(Crl.) No. 12/2013, W.P.(Crl.) No. 41/2013, W.P.(Crl.) No. 213/2013, W.P.(Crl.) No. 214/2013, & W.P.(Crl.) No. 87/2015

All petitions are disposed of in terms of the judgment in Union of India vs. V. Sriharan @ Murugan & Ors.[2014(4)SCC 242].

.....J.
[A.K. SIKRI]

.....J.
[R.K. AGRAWAL]

NEW DELHI;
FEBRUARY 16, 2016

ITEM NO.9

COURT NO.12

SECTION X

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(s) (Criminal) No(s). 11/2013

SATYA PRAKASH

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(office report) (FOR FINAL DISPOSAL)

WITH

W.P. (Crl.) No. 8/2011

(With office report)

W.P. (Crl.) No. 60/2011

(With Office Report)

W.P. (Crl.) No. 209/2011

(With appln.(s) for permission to file additional documents and Office Report)

W.P. (Crl.) No. 75/2012

(With Office Report)

W.P. (Crl.) No. 12/2013

(With Office Report)

W.P. (Crl.) No. 41/2013

(With Office Report)

W.P. (Crl.) No. 189/2013

(With appln.(s) for bail and Office Report)

W.P. (Crl.) No. 213/2013

(With appln.(s) for permission to file additional documents and appln.(s) for bail and Office Report)

W.P. (Crl.) No. 214/2013

(With appln.(s) for permission to file additional documents and appln.(s) for bail and Office Report)

W.P. (Crl.) No. 142/2014

(With appln.(s) for bail and Office Report)

W.P. (Crl.) No. 87/2015

(With appln.(s) for bail for bail and Office Report)

Date : 16/02/2016 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s) Mr. Jetendra Singh, Adv.
Mr. Kalpana Sabharwal, Adv.
Mr. Priyanka Singh, Adv.
Ms. Manju Jetley, Adv.

Mr. G. Umapathy, Adv.
Mr. R. Mekhala, Adv.

Mr. Akbar Siddique, Adv.
Mr. Rayjith Mark, Adv.
Mr. S. K. Verma, Adv.

Mr. Dinesh Kumar Garg, Adv.
Mr. Dhananjay Garg, Adv.
Mr. Deepak Mishra, Adv.

Mr. S. Mahendran, Adv.
Mr. Ganesh Umapathy, Adv.

For Respondent(s) Ms. Pragati Neekhara, Adv.
Mr. Pawan Shree Aggarwal, Adv.

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

The Writ Petitions are disposed in terms of the Signed order.

Interlocutory Application(s) pending, if any, shall stand
disposed of accordingly.

(Ashwani Thakur)
COURT MASTER

(Tapan Kr. Chakraborty)
COURT MASTER

(Signed order is placed on the file)