

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 2325/2014

GURADITTA @ GURU SINGH

APPELLANT(S)

VERSUS

THE STATE OF RAJASTHAN

RESPONDENT(S)

O R D E R

1. We are hearing the matter for the second time after having dismissed it on the last date of hearing, and thereafter having recalled the said order of dismissal. This is a case where the occurrence is stated to have taken place way back in the year 2000. The appellant and the co-accused had been convicted by the trial court for the offences punishable under Sections 302/34 and 201/34 of the Indian Penal Code, 1860, and accordingly sentenced to life imprisonment and fine. The High Court, vide the impugned order, has confirmed the same. Both the Courts have concurrently convicted the appellant taking into consideration circumstantial evidence including the extra judicial confession made by the co-accused to PW-1, PW-2 and PW-3, the recovery of the body of the deceased as

established by PW-6, the recovery of the weapon used in the commission of the offence, and the medical evidence. In such view of the matter, we are not inclined to interfere with the impugned order and thus reiterate the view expressed by us on the earlier occasion.

2. Learned counsel appearing for the appellant submits that the co-accused has been released under the policy governing premature release of prisoners. The appellant had undergone incarceration for nearly 13½ years and has been on bail since 2016, vide order dated 25.07.2016. As per the governing remission policy, the appellant will be eligible to be considered for remission only after the completion of 14 years of the sentence imposed on him. The occurrence is of the year 2000. Therefore, this is a fit case for Article 142 of the Constitution of India to be invoked, by treating the incarceration undergone by the appellant as 14 years and, thereafter, applying the remission policy.
3. Learned counsel appearing for the respondent submits that it is true that the co-accused has been released under the applicable remission policy. However, the appellant, not having undergone the requisite period of incarceration, cannot be considered for remission, as per the governing policy.

4. We are inclined to invoke Article 142 of the Constitution of India, taking into consideration the facts and circumstances of the present case. Admittedly, the appellant has undergone more than 13 years of the sentence imposed on him, and has been on bail since almost 9 years. The occurrence is also of the year 2000.
5. In such view of the matter, we direct the respondent to consider the case of the appellant as if he has completed 14 years of actual incarceration and accordingly, apply the remission policy. Appropriate orders in this regard shall be passed within a period of eight weeks from today.
6. Until such time, the appellant need not surrender. We make it clear that we are passing this order on the peculiar facts of the case.
7. The appeal is disposed of, accordingly.
8. Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[K.V. VISWANATHAN]

NEW DELHI;
6th MARCH, 2025

ITEM NO.101

COURT NO.8

SECTION II

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

Criminal Appeal No(s). 2325/2014

GURADITTA @ GURU SINGH

Appellant(s)

VERSUS

THE STATE OF RAJASTHAN

Respondent(s)

original record received

Date : 06-03-2025 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE K.V. VISWANATHANFor Appellant(s) Mrs. Rachana Joshi Issar, AOR
Mr. Kaushalendra Dutt Pandey, Adv.

For Respondent(s) : Mr. Milind Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E RThe appeal is disposed of in terms of the signed order.
Pending application(s), if any, shall stand disposed of.(SWETA BALODI)
ASTT. REGISTRAR-cum-PS(POONAM VAID)
ASSISTANT REGISTRAR

(Signed order is placed on the file)