

ITEM NO.15

COURT NO.4

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).145/2022

SHIV RAM LODHI

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH &amp; ANR.

Respondent(s)

(FOR ADMISSION and IA No.55943/2022-EXEMPTION FROM FILING O.T. and IA No.55942/2022-EX-PARTE BAIL)

Date : 25-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s)

Mr. Z U Khan, Adv.  
Mr. Sulaiman Mohd Khan, Adv.  
Ms. Taiba Khan, Adv.  
Ms. Nida Khan, Adv.  
Mr. Ashish Choudhury, Adv.  
Mr. Imran Ali Khan, Adv.  
Mr. Rohit Amit Sthalekar, AOR

For Respondent(s)

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

- 1 The petitioner has been convicted for an offence punishable under Section 302 of the Indian Penal Code 1860 in Sessions Trial No 142 of 2003. The order of conviction was confirmed by the High Court by a judgment dated 27 May 2015. The petitioner has undergone imprisonment for a term of over 18 years and 8 months without remission.
- 2 In **Dev Nath Singh v State of U P**<sup>1</sup>, a two-Judge Bench of this Court passed the following order on 21 February 2022:

<sup>1</sup> Writ Petition (Crl) No 528 of 2021

“Respondent-State of Uttar Pradesh has filed counter affidavit inter alia stating as under:

“23. The Government of Uttar Pradesh on 16.12.2021 has decided that the prisoners convicted and undergoing sentence for life imprisonment who were earlier eligible for consideration under the unamended premature release jail policy dated 01.08.2018, will still be considered for eligibility for premature release as per their eligibility before introduction of policy dated 28.07.2021.”

In view of the above, we direct the respondent to consider the case of the petitioner of pre mature release accordingly, within three months.

Writ Petition is disposed of accordingly.

Pending applications, if any, also stand disposed of.”

- 3 A similar order was passed by this Court on 11 March 2022 in **Rajkumar v The State of Uttar Pradesh**<sup>2</sup> in the following terms:

“1 An affidavit has been filed by the Superintendent of Jail, District Jail, Ghaziabad, *inter alia*, stating that:

“The Government of Uttar Pradesh on 16.12.2021 has decided that the prisoners convicted and undergoing sentence for life imprisonment who were earlier eligible for consideration under the unamended premature release jail policy dated 01.8.2018, will still be considered for eligibility for premature release as per their eligibility before introduction of policy dated 28.07.2021.

2 Mr Nagendra Singh, counsel appearing on behalf of the petitioners, states that the above clarification would resolve the grievance of the petitioners and their representations may now be directed to be considered by the competent authority expeditiously.

3 Ms Preetika Dwivedi, counsel appearing on behalf of the respondents, states that if the petitioners submit fresh representations, the representations shall be considered within a period of three months.

3 We accordingly permit the petitioners to submit representations for their release. The representations shall be considered and disposed of in terms of the statement which has

been made in the counter affidavit expeditiously and orders communicated in any event within a period of three months of the date of receipt of a certified copy of this order by the competent authority.

4 The petition is accordingly disposed of in the above terms.

5 Pending application, if any, stands disposed of.”

4 In view of the above orders and since the State of Uttar Pradesh has filed counter affidavits in the above cases specifically clarifying the position as noted in the orders of this Court, we order and direct the respondents to consider the case of the petitioners for premature release within a period of three months in terms of the policy dated 1 August 2018.

5 The petition is accordingly disposed of.

6 Pending application, if any, stands disposed of.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**