

ITEM NO.32

COURT NO.1

SECTION PIL(W)

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). 100/2007

R.CHANDRASHEKAR REDDY

Petitioner(s)

VERSUS

GOVT.OF A.P.& ORS.

Respondent(s)

(with office report)
(For final disposal)

Date : 08/08/2016 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Galla Satish, Adv.
Mr. N. Rajaraman, Adv.

For Respondent(s) Mr. B. K. Pal, Adv.
Mr. Srimanto Ray, Adv.

Mr. Guntur Prabhakar, Adv.
MS. Prerna Singh, Adv.

MS. Abha R.Sharma, Adv.
Mr. D.L.Chidananda, Adv.
Ms. Anil Katiyar, Adv.
Ms. Sushma Suri, Adv.

Mr. D. Mahesh Babu, Adv.

Mr. Nikhil Nayyar, Adv.

Mr. Prashant Bhushan, Adv.

Mrs. D. Bharathi Reddy, Adv.

Mr. S.Udaya Kumar Sagar, Adv.

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

Heard.

In this petition filed in public interest the petitioner has challenged Government order dated 07.08.2007 issued by the undivided State of Andhra Pradesh whereby the certain guidelines were issued in relation to release of prisoners undergoing imprisonment in the said State on the occasion of Commemoration of 150 years of First War of Independence. A reading of the impugned order shows that the Government had not only identified the categories of the prisoners who would qualify for such premature release but also constituted a Committee comprising among others the Director General and Inspector General of Prisons and Correctional Services, A.P. Hyderabad to draw up a list of eligible prisoners for release and recommend the same to the Government for consideration.

It is common ground that in terms of our Order dated 16.08.2007, no release was allowed pursuant to the impugned order nor was any list of eligible prisoners prepared. Learned counsel for the State of Andhra Pradesh submits that consequent upon the re-organisation of the State and establishment of the State of Telangana, separate orders have been passed by the respective Governments in regard to premature release of the prisoners undergoing sentence of imprisonment in the two states. He submits that the premature release of prisoners undergoing imprisonment in the two States is today regulated by the subsequent Government

Orders on the subject and not by the order which is the subject matter of the present proceedings.

In that view, it is therefore, unnecessary for us to go into the legality of the order passed by the undivided State of Andhra Pradesh. The petition is, in the light of the subsequent development mentioned above become infructuous and is accordingly dismissed reserving liberty for the petitioner to challenge the said orders in appropriate proceedings before the High Court, if so advised. We also reserve liberty to the petitioner to challenge the proceedings, if any, initiated against the petitioner or the history sheet, if any, opened against him by the government concerned on all such grounds as may be available to him in law. No costs.

All interim orders passed and all pending applications shall stand vacated and the applications disposed of in the above terms.

(Shashi Sareen)
AR-cum-PS

(Veena Khera)
Court Master