

Revised

ITEM NO.2

COURT NO.6

SECTION II-A

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). 784/2010

VIKRAM SINGH &amp; ORS.

Appellant(s)

VERSUS

THE STATE OF MADHYA PRADESH S.H.O.

Respondent(s)

( [FOR APPROPRIATE ORDERS/DIRECTIONS] [ PART-HEARD BY HON'BLE SANJAY  
KISHAN KAUL AND HON'BLE M.M. SUNDRESH, JJ. ] )

Date : 22-03-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s) Mrs. Rachana Joshi Issar, AOR

For Respondent(s) Mr. D.S. Parmar, AAG  
Ms. Ankita Chaudhary, Dy. Adv. Gen.  
Mr. Gopal Jha, AOR  
Mr. Nishant Verma, Adv.  
Mr. Shreyash Bhardwaj, Av.

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

Learned counsel for the State submits that the application for remission of the appellants could not be considered because they have not served 15 years of sentence even though with remission period is 21 years, 1/2/3 months and 22/16/4 days respectively and actual sentence served is 13/14 years, 11 months and 14/19 days respectively before they were granted bail.

We are conscious of the fact that the remission policy is within the administrative right of the appellants to seek remission. But, it would not be appropriate for the appellants now to serve out another 10 months so that the period for being considered for remission is completed, when they were granted bail as far back as on 11.04.2014 and would subserve no purpose for the society. For 8 years these persons have been a part of the society and there is no adverse inference qua them. They have already served almost 14 years of actual sentence which is the norm for their release, which is short by about 10 months.

In the given circumstances of this case we do believe that recourse can be there to Article 142 of the Constitution of India to do complete justice between the parties. The period of actual sentence served is sufficient for consideration of remission.

Looking to the scenario that they have completed more than 21 years with remission and that they have been enlarged on bail for the last eight years, we direct the consideration of their case for remission based on the fact that the period required for consideration of remission be treated as completed. The reformatory philosophy cannot be ignored.

We also direct the State to examine if the

period of 15 years should be reduced to the period of 14 years as per standard norms of other States.

List on 26.04.2022 in Miscellaneous Matters.

[CHARANJEET KAUR]  
ASTT. REGISTRAR-cum-PS

[POONAM VAID]  
COURT MASTER (NSH)

\* Revised only qua appearance .

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