

ITEM NO.101

COURT NO.9

SECTION II-C

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). 795/2011

MANOJ KUMAR

Appellant(s)

VERSUS

THE STATE OF HIMACHAL PRADESH

Respondent(s)

(PART-HEARD BY HON'BLE N.V. RAMANA AND HON'BLE S. ABDUL NAZEER,  
JJ.)

WITH

Crl.A. No. 796/2011 (II-C)

Crl.A. No. 797/2011 (II-C)

(IA No.76557/2017-I/A FOR BAIL IN CRL.A. NO. 797/2011 )

Date : 15-02-2018 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Appellant(s)

Mr. Shiv Ram Sharma, AOR

Mr. Satyendra Kumar Srivastav, Adv.

Mr. Gopal Prasad, AOR

Mr. Pukhrambam Ramesh Kumar, AOR

For Respondent(s)

Mr. Ajay Marwah, AOR

Ms. Seema Sharma, Dy.AG

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

Today, when these appeals were called on for hearing, Mr. Vineet Chawdhry, Chief Secretary of the State of Himachal Pradesh appeared and explained to the Court that the State Government has appointed Shri Ajay Marwah as the standing counsel and he assured

this Court that here afterwards the learned counsel will appear regularly in all the matters, which are listed in the Court. Because of some communication gap, there is no proper representation in the Court.

We have accepted the statement made by the Chief Secretary.

Consequently, learned counsel appearing for the State has produced before us an affidavit of Mr. Vineet Chawdhry, Chief Secretary wherein it has been submitted that the Government of Himachal Pradesh, vide letter dated 28<sup>th</sup> February, 2001, with further clarification and amendments dated 15.12.2003 has issued guidelines/policy regarding the premature release of prisoners serving sentence in the Prisons. The State Sentence Review Board under the Chairmanship of the Principal Secretary (Home) to the Government of Himachal Pradesh has been constituted under the aforesaid policy/guidelines. Para 3.1 of the policy/guidelines in respect of premature release provides that every convicted prisoner, whether male or female undergoing sentence of life imprisonment and covered by the provisions of Section 433-A of the Criminal Procedure Code shall be eligible to be considered for premature release from the prison immediately after serving out the sentence of 14 years of actual imprisonment i.e. without remission.

In the present appeals, all the three appellants have suffered more than 15 years of incarceration and suffering with old age problems. In the circumstances, learned counsel for the State made a request that the appellants shall make a representation which will be considered and appropriate orders will be passed.

In the circumstances, we direct the appellants to make a

representation before the State Government within a period of two weeks from today and the State Government is directed to consider their applications within two weeks thereafter.

Learned counsel for the State is directed to file a report before this Court, in this regard.

List these matters after four weeks.

(SUKHBIR PAUL KAUR)  
AR CUM PS

(RENUKA SADANA)  
ASST. REGISTRAR