

ITEM NO.38

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SWP(Crl.) No.. 4/2021

IN RE POLICY STRATEGY FOR GRANT OF BAIL

Petitioner(s)

VERSUS

Respondent(s)

(MR. GAURAV AGRAWAL, ADV. IS AMICUS CURIAE [ONLY SLP(Crl) 529/2021 IS LISTED])

WITH

SLP(Crl) No. 529/2021 (II-C)

(FOR ADMISSION AND I.R AND MR. NEERAJ KUMAR JAIN, SR. ADVOCATE (A.C.), MR. GAURAV AGRAWAL, ADVOCATE FOR NATIONAL LEGAL SERVICES AUTHORITY, MR. DEVANSH A. MOHTA, ADVOCATE (A.C.), MR. ABHIMANYU TEWARI, ADVOCATE FOR STATE OF ARUNACHAL PRADESH, MR. YOGESH KANNA, ADVOCATE FOR STATE OF TAMIL NADU, MR. CHANCHAL K. GANGULI, Advocate for STATE OF WEST BENGAL, MRS. NIRANJANA SINGH Advocate for State of Bihar, MR. MILIND KUMAR, ADVOCATE FOR STATE OF RAJASTHAN, MR. NIKHIL GOEL, ADVOCATE FOR HIGH COURT OF GUJRAT, MAHFOOZ A NAZKI FOR STATE OF ANDHRA PRADESH, MR. SACHIN PATIL FOR STATE OF MAHARASHTRA, MR. D.L CHIDANANDA FOR STATE OF KARNATAKA, MR. GARVESH KABRA FOR STATE OF UP, MR. M.K MARORIA FOR ANDAMAN AND NICOBAR ISLANDS, MR. HARSHAD V HAMEED FOR STATE OF KERALA, MR. SHO VAN MISHRA, ADVOCATE FOR STATE OF ODISHA, DR. MONIKA GUSAIN, ADVOCATE FOR STATE OF HARYANA AND MR. ABHINAV MUKERJI, ADVOCATE FOR STATE OF HIMACHAL PRADESH, Mr. Aaditya Aniruddha Pande, Advocate for State of Maharashtra, Mr. Pukhrbamb Ramesh Kumar, Advocate for State of Manipur, Ms. Swati Ghildiyal, Advocate for State of Gujarat, Mr. Shuvodeep Roy, Advocate for State of Assam, Mr. Pashupatinath Razdan, Advocate for State of MP., Ms. K. ENATOLI SEMA, ADVOCATE FOR STATE OF NAGALAND, Mr. Shirin Khajuria, Advocate for State of Goa [FOR FURTHER DIRECTIONS]

IA No. 215737/2023 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 215808/2023 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 216672/2023 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 216712/2023 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 216835/2023 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 215734/2023 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 215802/2023 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 216619/2023 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 216701/2023 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 216769/2023 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 215799/2023 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 216611/2023 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 216689/2023 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 216747/2023 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 215741/2023 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 215823/2023 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 216683/2023 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 216725/2023 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 215739/2023 - INTERVENTION/IMPLEADMENT
IA No. 215820/2023 - INTERVENTION/IMPLEADMENT
IA No. 216679/2023 - INTERVENTION/IMPLEADMENT
IA No. 216721/2023 - INTERVENTION/IMPLEADMENT
IA No. 216847/2023 - INTERVENTION/IMPLEADMENT
IA No. 216937/2023 - INTERVENTION/IMPLEADMENT
IA No. 216932/2023 - INTERVENTION/IMPLEADMENT
IA No. 215736/2023 - INTERVENTION/IMPLEADMENT
IA No. 215805/2023 - INTERVENTION/IMPLEADMENT
IA No. 216671/2023 - INTERVENTION/IMPLEADMENT
IA No. 216710/2023 - INTERVENTION/IMPLEADMENT
IA No. 216834/2023 - INTERVENTION/IMPLEADMENT
IA No. 216924/2023 - INTERVENTION/IMPLEADMENT
IA No. 216901/2023 - INTERVENTION/IMPLEADMENT
IA No. 215733/2023 - INTERVENTION/IMPLEADMENT
IA No. 215801/2023 - INTERVENTION/IMPLEADMENT
IA No. 216618/2023 - INTERVENTION/IMPLEADMENT
IA No. 216697/2023 - INTERVENTION/IMPLEADMENT
IA No. 216767/2023 - INTERVENTION/IMPLEADMENT
IA No. 216872/2023 - INTERVENTION/IMPLEADMENT
IA No. 216867/2023 - INTERVENTION/IMPLEADMENT
IA No. 215796/2023 - INTERVENTION/IMPLEADMENT
IA No. 216606/2023 - INTERVENTION/IMPLEADMENT
IA No. 216688/2023 - INTERVENTION/IMPLEADMENT
IA No. 216745/2023 - INTERVENTION/IMPLEADMENT
IA No. 216859/2023 - INTERVENTION/IMPLEADMENT
IA No. 246339/2023 - INTERVENTION/IMPLEADMENT
IA No. 216854/2023 - INTERVENTION/IMPLEADMENT
IA No. 216942/2023 - INTERVENTION/IMPLEADMENT)

Date : 12-12-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

Mr. Neeraj Kumar Jain, Sr. Advocate (A.C.)

Mr. Gaurav Agrawal, Advocate, (AC) NALSA

Mr. DEVANSH A. MOHTA, Adv.(A.C.),

Ms. Liz Mathew, AOR (A.C.)

Mr. Navneet R., Adv.

Ms. Mallika Agarwal, Adv.

Mr. Nisarg Bhardwaj, Adv.

For Petitioner(s)

Mr. Abhimanyu Tewari, AOR

Mrs. Eliza Bar, Adv.

Mr. Yogesh Kanna, AOR

Mr. Ashok Kumar Panda, Sr. Adv.

Mr. Chanchal Kumar Ganguli, AOR

Mr. Soumitra G. Chaudhuri, Ad

Mr. Saket Singh, Adv.

For Mrs. Niranjana Singh, AOR

Mr. Vishal Meghwal, Adv.

Mr. Milind Kumar, AOR

Mr. Vikas Chaudhary, Adv.

Ms. Neha Kapoor, Adv.

Mr. Nikhil Goel, AOR

Mr. Mahfooz Ahsan Nazki, AOR

Mr. Polanki Gowtham, Adv.

Mr. T Vijaya Bhaskar Reddy, Adv.

Mr. Kv Girish Chowdary, Adv.

Mr. Meeran Maqbool, Adv.

Ms. Ruchi Guasain, Adv.

Mr. V Ram Mohan Reddy, Adv.

Ms. Archita Nigam, Adv.

Mr. Sachin Pail, AOR

Mr. D.L Chidananda, AOR

Ms. Garima Prasad, Sr. Adv./AAG

Mr. Garvesh Kabra, AOR

Ms. Pooja Kabra, Adv.

Mr. Ahmer Shaikh, Adv.

Mr. Avanish Deshpande, Adv.

Mr. Pradeep Misra, Adv.

Mr. Piyush Beriwal, Adv.

Mr. B.k.satija, Adv.

Ms. Mrinal Elkar Mazumdar, Adv.

Mr. Mukesh Kr.verma, Adv.
Mr. Neeraj Kr.sharma, Adv.
Ms. Indira Bhakar, Adv.
Mr. Raghav Sharma, Adv.
Mr. A.K. Kaul, Adv.
Mr. Mukesh Kumar Maroria, AoR,
Mr. Shreekant Neelappa Terdal, AOR

Mr. Harshad V. Hameed, AOR
Mr. Dileep Poolakkot, Adv.
Mr. Subhash Chandran K.r., Adv.
Mrs. Ashly Harshad, Adv.
Dr. Prahlad Narayan Singh, Adv.

Mr. Shovan Mishra, AOR
Ms. Bipasa Tripathy, Adv.

Mr. Shekhar Raj Sharma, D.A.G.
Ms. Akshaya Jebakumar, Adv.
Dr. Monika Gusain, AOR

Mr. Abhinav Mukerji, AOR

Mr. Bharat Bagla, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Raavi Sharma, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Rajkumari Divyasana, Adv.

Ms. Deepanwita Priyanka, Adv.
Ms. Swati Ghildiyal, AOR
Ms. Devyanti Bhatt, Adv.

Mr. Shuvodeep Roy, AOR

Mr. Pashupatinath Razdan, AOR

Ms. K. Enatoli Sema, AOR

Mr. Shirin Khajuria, AOR
Ms. Oshi Verma, adv.
Ms. Nayan Gupta, Adv.

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

SLP(Crl) No. 529/2021

Applications for exemption from filing O.T. are allowed.

All applications for impleadment are dismissed with liberty to the applicants to take out appropriate proceedings in accordance with law in independent proceedings.

COMPLIANCE REPORT ON PREMATURE RELEASE
DIRECTIONS BY STATES

We have perused the fresh report by the Amicus Curiae filed on 11.12.2023 which does a State-wise analysis. She thus seek directions from this Court for each of the States. Broadly speaking one of the main issues is the status of the application of each eligible convict. Learned Amicus points out that the format in which Goa has given information can be an exemplar.

In view of the aforesaid, we adopt the report and issue directions to the individual States to comply with what are the deficiencies as per the report. In order to facilitate the analysis, we

direct that the exemplar of State of Goa be followed by all the States which is at page No. 165 of the report so that the States are aware in what format they have to submit the information.

Apart from this learned Amicus points out that there are many States where the report suggests that it is pending with the Government. We expect the Government to take necessary action within one month from today.

List on 24.01.2024.

E-PRISON MODULE

A report regarding progress has been submitted. We had requested for the assistance of Mr. K.M. Nataraj, learned ASG on the last date on some aspects. We are told that he is in personal difficulty today.

We may however, note that as per the directions sought regarding the e-prison module, we are informed that except two States responses have been filed. What is sought for by prayer (i) is that key data element namely FIR No.CNR/PTN number-Prison ID are collated for inmates languishing in jails and updated on the e-prison portal. We would expect the States

to take this aspect into consideration for updating
the data.

List on 24.01.2024.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)