

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s). 296 OF 2011

K.K. SAINI

Appellant (s)

VERSUS

STATE

Respondent(s)

(With appln(s) for bail)

Date: 11/04/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Appellant(s) Mr. P. Vishwanatha Shetty, Sr. Adv.

Mr. Irshad Ahmad, Adv.

Mr. Vijay Kumar Paraadesi, Adv.

For Respondent(s)

Mr. J.S. Atri, Sr. Adv.

Ms. Sadhna Sandhu, Adv.

Mr. Mukesh K. Verma, Adv.

Mr. M. Khairati, Adv.

Mr. Vineet Kumar Tyagi, Adv.

Ms. Priyanka Mathur Sardana, Adv.

Ms. Priyanka Bharihoke, Adv.

Mr. D.S. Mahra, Adv.

Mrs. Anil Katiyar, Adv.

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

This appeal is listed before us for hearing. However, before we enter into the merit of the case, we have been informed that the appellant is in jail since 28th March, 1994 and has served for more than 19 years and one month. Mr. P. Vishwanatha Shetty, learned senior counsel raises his grievance that his case ought to have been considered by the State for pre-mature release under Section 432 Cr.PC. There is nothing on record to show as to whether his case for pre-mature release has ever been considered and if considered, what was the result.

Learned counsel appearing for the State are not able to furnish any information in this regard. In such a fact situation, we have no option but to request the learned Home Secretary, NCT, Government of Delhi to file his personal affidavit within a period of two weeks answering the following questions:-

(a) Whether the case of the appellant had ever been considered for pre-mature release under Section 432 Cr.PC and other applicable provisions;

(b) If not, what were the circumstances under which the authorities did not consider it appropriate to consider his case for pre-mature release;

(c) In case his case has been considered, what was the result and what were the recommendations by the competent authorities for his pre-mature release and what had been the order?

(d) Whether there is any other law for the time being in force in Delhi not to consider the case for pre-mature release in a case a person stands convicted under provisions of 364A IPC and awarded life imprisonment.

(e) Has the State authorities framed any rules for this purpose and if so, after what period of serving in jail, the case for pre-mature release is considered.

(f) If the case has not been considered for pre-mature release, whether the Government is likely to consider and, if so, how long will it take?

The necessary documents having any bearing on the aforesaid questions may also be filed along with the affidavit.

List the matter peremptorily on 26th April, 2013.

	(DEEPAK MANSUKHANI)		(M.S. NEGI)	
	Court Master		Court Master	