

ITEM NO.61

COURT NO.7

SECTION II

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 28783/2023

[Arising out of impugned final judgment and order dated 13-09-2018 in CRLA No. 370/1983 passed by the High Court of Judicature at Allahabad]

SURENDRA @ SUNDA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(IA No. 245536/2024 - APPLICATION FOR PERMISSION IA No. 244419/2024 - APPLICATION FOR PERMISSION IA No. 129279/2024 - CONDONATION OF DELAY IN FILING IA No. 279416/2024 - EXEMPTION FROM FILING O.T. IA No. 203861/2024 - EXEMPTION FROM FILING O.T. IA No. 257427/2024 - EXEMPTION FROM FILING O.T. IA No. 245529/2024 - INTERVENTION APPLICATION IA No. 279414/2024 - INTERVENTION/IMPLEADMENT IA No. 245530/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION IA No. 244420/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION IA No. 245537/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

Date : 17-12-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Sanjai Kumar Pathak, AOR
Mrs. Shashi Pathak, Adv.
Mr. Arvind Kumar Tripathi, Adv.

For Respondent(s) Ms. Garima Prasad, Sr. A.A.G.
Mr. Pradeep Misra, AOR
Mr. Suraj Singh, Adv.

Mr. K. Vijayan, Adv.
Mr. T. R. B. Sivakumar, AOR
Mr. Deva Vrat Anand, Adv.

Mr. Aarif Ali, Adv.
Mr. Pankaj Tiwari, Adv.
Mr. Mujahid Ahmad, Adv.
Mr. Bakir Ali, Adv.

Mr. Dharendra Kumar Verma, Adv.
Mr. Pradeep Mohod, Adv.
Mr. Chand Qureshi, AOR

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

1. IA No.279414 of 2024 has been filed for impleadment on behalf of an accused, namely, Om Nath lodged in the District Jail, Gautam Budh Nagar (NOIDA) and served the sentence of 18 years and 16 days. It is contended that as per the previous orders of arrest by this Court, a notice to surrender has been issued to him.
2. However, vide order dated 13.11.2024, it was clarified that the persons who have already served more than 14 years of sentence shall not be taken into custody and the explanation was sought from the Government. Therefore, in this regard, it is not necessary to join the applicant, Om Nath as a party in this case.
3. Accordingly and in view of the order dated 13.11.2024, I.A. No. 279414 of 2024 stands disposed of.
4. The order dated 13.11.2024, in particular para 6 thereof, shall remain in operation until further orders or subject to the orders passed by the authorities regarding allowing/rejection of the representation of remission.

5. Affidavit filed by the Secretary, Prison has been perused. In Paragraph 4 of the affidavit, a chart has been produced indicating the status of the cases of the proposals of total 137 prisoners which is as under :

"Status of cases/proposals of Total 137 prisoners

Sl. No.	Details of proposals	No. of proposals
1.	No. of released prisoners	19
2.	No. of rejected proposals	03
3.	Proposals sent back to Jails from Headquarter for corrections.	07
4.	Pending proposals at District Magistrate level	05
5.	Pending proposals at Headquarter level	19
6.	Proposals sent to competent authority level	84
TOTAL		137

6. After perusal from Serial No. 4, it is revealed that 05 proposals at the District Magistrate level are pending, 19 proposals at the Headquarter level are pending and 84 proposals sent to competent authority are pending. Along with the chart attached to the affidavit, in the remark column, the reason assigned of such pendency is either not satisfactory or non-explanatory. Some of the proposals are pending from months and years together. Why the authorities are sleeping over and keeping those proposals pending is not

placed on record. Some reasons in the remark column are very surprising and are not acceptable to this Court.

7. It is to observe that we are not required to do the day to day jail administration but it is a matter of introspection to the level of Secretaries and the officers sitting having role to consider the proposals in the matter of grant of remission. In case the authorities are sitting tight over those, the scope of judicial review by the Supreme Court is not ousted.

8 In view of the foregoing and in the interest of justice, we wish to give an opportunity to the authorities to clear pending proposals, as stated in the remark column, within a period of two months from today and file a detailed affidavit and chart indicating the action taken. Needless to observe that the action by the authorities must be informed by way of the affidavit to this Court. The affidavit be filed on or before 24th February, 2025.

9 List on 4th March, 2025.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(NAND KISHOR)
COURT MASTER