

ITEM NO.7

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

Date : 13-11-2024 This matter was 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

For Respondent(s)

Ms. Garima Prasad, Sr. A.A.G.
Mr. Pradeep Misra, AOR
Mr. Suraj Singh, Adv.
Ms. Nidhi Singh, Adv.

Mr. Shadan Farasat, Sr. Adv.
Mr. Aarif Ali, Adv.
Mr. Pankaj Tiwari, Adv.
Mr. Mujahid Ahmad, Adv.
Mr. Natasha Maheshwari, Adv.
Mr. Dharendra Kumar Verma, Adv.
Mr. Chand Qureshi, AOR

UPON hearing the counsel the Court made the following

O R D E R

1) Apropos orders dated 13.08.2024, 03.09.2024 and the detailed order dated 09.09.2024, affidavit of the Additional Chief Secretary, Home, Government of Uttar Pradesh, has been filed *inter alia* contending that the Director General of Police of the State has been instructed and in every district, a nodal officer has been appointed to take into custody the persons who were released in terms of order dated 10.01.2024 of the Division Bench of the High Court of Judicature at Allahabad in *Ganesh v. State of Uttar Pradesh* (Criminal Appeal No.165 of 2016) which order was reversed by the Full Bench of the High Court *vide* order dated 25.05.2024 in *Ambrish Kumar Verma v. State of Uttar Pradesh* (Criminal Misc. Writ Petition No.1915 of 2024).

2) Affidavit filed by the Principal Secretary, Prison Administration and Reforms Department, Government of Uttar Pradesh, indicates that a total of 158 prisoners were released in furtherance to the aforesaid order dated 10.01.2024 in *Ganesh (supra)* and out of them, 21 prisoners were those who served less than 14 years of sentence. It is said that out of

them, 18 prisoners have been taken into custody, 1 died and 2 are yet to be arrested. The remaining 137 are those who have completed 14 years of sentence.

3) It is not clear that out of those how many prisoners have applied for remission on completion of 14 years of sentence and recommendation in their favour has been made by the concerned jail authorities. During hearing, it is informed by Ms. Garima Prasad, learned Additional Advocate General, that remission has been granted to 10 prisoners. The status/details of remaining 127 prisoners be brought on record on the next date on affidavit of the Secretary (Prisons).

4) It is informed during hearing that those prisoners who have been arrested, though completed 14 years, may be at liberty to apply to the authorities for remission which shall be considered by the authorities as per policy.

5) We require the jail-wise details of the prisoners who have completed 14 years of sentence, minimum period required for remission and consideration of their cases for remission. The Secretary (Prisons) to file his affidavit.

6) In the meantime, the order passed earlier regarding arrest of those persons who have served more than 14 years of

sentence be not given effect to until the next date of listing.

7) List the matter on 16th December, 2024.

(NIDHI AHUJA)
AR-cum-PS

(NAND KISHOR)
COURT MASTER (NSH)