

ITEM NO.16

Court 4 (Video Conferencing)

SECTION II

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

Petition(s) for Special Leave to Appeal (Cr1.) No.4358/2021

(Arising out of impugned final judgment and order dated 21-02-2019 in JA No.2679/2008 passed by the High Court of Judicature at Allahabad)

KADIR

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

WITH S.L.P.(Cr1) No.4359/2021 (II)

Date : 13-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Dr. Rajiv Nanda, AOR (Amicus Curiae)

For Respondent(s)

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

- 1 These Special Leave Petitions under Article 136 of the Constitution have been lodged from jail. Dr Rajiv Nanda, learned counsel has been nominated

by the Registry of this Court as Amicus Curiae in the matter.

- 2 We have heard Dr Rajiv Nanda, learned counsel for the petitioners and we find no error in the judgment of the High Court confirming the conviction of the petitioners under Section 302 read with Section 34 of the Indian Penal Code.
- 3 The Special Leave Petitions are dismissed.
- 4 The custody certificate issued by the Senior Jail Superintendent, Central Jail Agra dated 26 June 2021 indicates that the actual sentence which has been undergone is 15 years 11 months and 22 days without remission and 19 years 1 month and 22 days with remission as on 26 June 2021.
- 5 We direct the Senior Jail Superintendent, Central Jail Agra to inform the applicant – convict of his right to submit an application for pre mature release in accordance with the applicable rules and regulations. In the event that any legal aid or assistance for that purpose is required, the Senior Jail Superintendent shall intimate the District Legal Services Authority within two weeks of the receipt of this order. The DLSA shall make available the requisite assistance so that the petitioner is in a position to submit an application for pre mature release. Upon such an application being filed, it shall be disposed of within a period of three months by the competent authority in accordance with the rules and regulations.
- 6 The facts which have been drawn to the attention of this Court in the present case would merit a general direction. The UP State Legal Services Authority shall ensure that its panel lawyers visit every jail within the State of UP and after due scrutiny of the nature of the conviction, the term of sentence and the sentence undergone, advise the convicts and assist them in drafting appropriate representations so as to enable them to pursue their remedies in respect of pre mature release in accordance with law. Once such applications are filed, they shall be disposed of by the competent authority within a

period of three months from the date of receipt.

- 7 A copy of this order shall be forwarded to (i) the UP State Legal Services Authority; (ii) Secretary of the National Legal Services Authority; and (iii) The State Legal Services Authorities. NALSA is requested to consider issuing a uniform country-wide SOP for protecting the rights of similarly placed convicts to secure pre mature release in accordance with the provisions of law.
- 8 Dr Rajiv Nanda is requested to continue to assist this court on the above issues and to seek further directions by filing an IA.
- 9 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
COURT MASTER