



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3457]

WEDNESDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SRI JUSTICE HARINATH. N

**WRIT PETITION Nos.11530, 11531, 11532, 11537, 11543, 11544,
11545, 11549, 11605, of 2023, 1403 of 2024 and 4242 of 2025**

WP.No.11530 OF 2023

Between:

1.YEDURUPALLI MANGAYYA @ MANGA RAJU, S/O
LAXMAYYA, AGED ABOUT 51 YEARS, R/O. YETIPALLI (V),
GANGAVARAM (M). EAST GODAVARI DISTRICT, A.P STATE,
AT PRESENT CENTRAL PRISON, RAJAMAHENDRAVARAM,
EAST GODAVARI DISTRICT.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, HOME DEPARTMENT, SECRETARIAT,
VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
- 2.THE SECRETARY TO GOVERNMENT, LEGAL AFFAIRS. LAW
DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI,
GUNTUR DISTRICT.
- 3.THE DIRECTOR GENERAL OF POLICE, GOVERNMENT OF
ANDHRA PRADESH, MANGALAGIRI, GUNTUR DISTRICT
- 4.THE DIRECTOR GENERAL OF PRISONS AND
CORRECTIONAL SERVICES, ANDHRA PRADESH,
VIJAYAWADA, KRISHNA DISTRICT.
- 5.THE SUPERINTENDENT, CENTRAL PRISON,
RAJAMAHENDRAVARAM. E.G. DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue writ of MANDAMUS for declaring the inaction of the Respondents in not releasing me from prison is arbitrary, illegal and violation of Articles 21 of the Constitution of India and consequently direct the Respondents to release me immediately thereof by giving special remission as per G.O.MS.No.190 dated 07.08.2004 and pass

Counsel for the Petitioner:

1.A SWARUPA REDDY

Counsel for the Respondent(s) :

1.GP FOR HOME

The Court made the following :

THE HON'BLE SRI JUSTICE HARINATH. N**WRIT PETITION Nos.11530, 11531, 11532, 11537, 11543, 11544, 11545, 11549, 11605, of 2023, 1403 of 2024 and 4242 of 2025****COMMON ORDER :**

1. All the writ petitions are filed seeking release from Prison by giving special remission. The petitioners are relying upon various government orders issued by the State. The following are the details of the Government Orders on which the petitioners are relying and challenging the inaction on the part of the State in releasing them in accordance with the government orders ;

Writ Petition Number	GOMs.No.	Date
WP.No.11530 of 2023	GOMs.No.190	07.08.2004
WP.No.11531 of 2023	GOMs.No.190	07.08.2004
WP.No.11532 of 2023	GOMs.No.19	27.01.2000
WP.No.11537 of 2023	GOMs.No.190	07.08.2004
WP.No.11543 of 2023	GOMs.No.557	30.10.1980
WP.No.11544 of 2023	GOMs.No.190	07.08.2004
WP.No.11545 of 2023	GOMs.No.192	11.08.1997
WP.No.11549 of 2023	GOMs.No.190	07.08.2004
WP.No.11605 of 2023	GOMs.No.190	07.08.2004
WP.No.1403 of 2024	GOMs.No.19	27.01.2000
WP.No.4242 of 2025	GOMs.No.283	30.10.2010

2. The petitioners are challenging the state's inaction in failing to follow various government orders, which, according to the petitioners, should be applicable to them and for which they are entitled to remission. It is submitted that several prisoners were extended the benefits conferred on them by implementing the

government orders. It is submitted that the respondents, for the reasons best known to themselves, have arbitrarily denied extending the benefit of government orders to the petitioners.

3. The petitioners, who are convicted and undergoing imprisonment, claim that the denial of the benefit of government orders to them is a discriminatory act on the part of the State. They argue that when a few of the convicts were released and granted remission, this was not applied to them. There is no rational basis for the State's denial of the said benefit to the petitioners.
4. The learned Government Pleader appearing for the State submits that for the grant of remission to any convict, the convict must be eligible for the grant of remission as per the government orders issued. If the case of the petitioners does not fall within the teeth of the government orders relied upon by the petitioners, they cannot seek remission as a matter of fundamental right.
5. It is also submitted that several factors facilitate the State's action in granting remission to convicts in prison. Only those cases deemed appropriate and eligible for the grant of remission were considered by the State, and prisoners were released in such cases. It is also submitted that the petitioners cannot be placed on parity with other prisoners that have been released by the grant of remission and seek remission on the same terms as others.

6. It is submitted that, far as the claim of the petitioner in WP.No.11530 of 2023 is concerned, the GO was issued on 07.08.2004, and the petitioner should claim remission by GOMs.No.190, the convict should be in jail undergoing sentence as on the issuance of the said government order. The petitioner was convicted in 2006; therefore, the same cannot be applied to the petitioner's case. It is submitted that a similar case is that of the petitioner in WP.No.11531 of 2023, wherein the petitioner was convicted in 2006; therefore, the petitioner cannot seek remission by relying on GOMs.No.190.
7. It is further submitted that, far as the case of the petitioner in WP.No.11532 of 2023 is concerned, GOMs.No.19 was issued on 27.01.2000 on the eve of the Republic Day as a one-time measure. The petitioner was convicted on 7th September 2001, and therefore cannot claim the benefit of GOMs.No. 19.
8. Insofar as the claim of the petitioner in WP.No.11537 of 2023 is concerned, the petitioner was convicted on 16.07.2007 and cannot rely on the GO issued on 07.08.2004.
9. Insofar as the claim of the petitioner in WP.No.11543 of 2023 is concerned, the name of the petitioner was removed from the remission rules as he had committed jail offences. It is submitted that the petitioner was convicted and absconded from jail in 1985.

He was apprehended and brought back to jail in 2011. The petitioner is placing reliance on GOMs No. 557, dated 30.10.1980. This GO is applicable only to life convicts.

10. Insofar as the petitioner's claim in WP.No.11544 of 2023 is concerned, it is submitted that the petitioner was convicted on 31.05.2007 and cannot rely on GOMs.No.190, as it is not applicable.

11. Insofar as the claim of the petitioner in WP.No.11545 of 2023 is concerned, the petitioner is relying on GOMs.No.192, dated 11.08.1997. It is submitted that the GO applies to non-life convicts. The petitioner is a life convict; as such, GOMs No. 192 is not applicable.

12. Insofar as the petitioner's claim in WP.No.11549 of 2023 is concerned, the petitioner was convicted on 26.04.2005; therefore, GOMs.No.190 does not apply to the petitioner's case.

13. Insofar as the petitioner's claim in WP.No.11605 of 2023 is concerned, the petitioner was convicted on 05.12.2008; therefore, GOMs.No.190 does not apply to the petitioner's case.

14. Insofar as the claim of the petitioner in WP.No.1403 of 2024 is concerned, the GOMs.No.19, dated 27.01.2000, is relied upon by the petitioner. It is submitted that the said GO was issued with a

specific purpose, and for the GO to be applicable, the prisoners had to be in jail as of 26.01.2000. It is submitted that the petitioner was convicted on 12.12.2002; as such, the said GO cannot be made applicable to the petitioner.

15. Insofar as the claim of the petitioner in WP.No.4242 of 2025 is concerned, the petitioner is seeking remission by relying on GOMs.No.283, dated 30.10.2010. It is submitted that the petitioner's case was not considered, as he had committed prison offences and revolted against the prison staff while undergoing sentence in Central Prison, Nellore. It is submitted that GOMs.No.6, dated 09.01.2019, was issued granting special remission to the life-convicted persons on the occasion of Republic Day on 26.01.2019. It is submitted that the petitioner comes under the exception for grant of remission in the said government order, having been involved in committing prison offences, as such the said GO cannot be made applicable to the petitioner.

16. Heard the learned counsels appearing for the petitioners and the learned Government Pleader for the State. Perused the material available on the records.

17. Grant of remission is of the exclusive power of the state, subject to statutory restrictions under Section 433 of Cr.P.C. For

considering the case of any convict for remission, the State Government has to formulate a policy for considering that class of convicts for the grant of remission.

18. In pursuance of the said policy, the Government has issued several Government Orders and granted remission to those found eligible and accordingly considered their cases for remission or release from Prison. Insofar as the claim of the petitioners in the above writ petitions is concerned, the petitioners cannot challenge the action of the State in denying the remission of the petitioners as a matter of fundamental right. The government orders relied upon by the petitioners seeking their release cannot make the petitioners eligible for seeking remission.

19. As none of the government orders relied upon by the petitioners seeking remission apply to the case of each of the petitioners. This Court cannot, under the writ jurisdiction, issue a direction to the State to grant remission to the petitioners and release them.

20. The Hon'ble Supreme Court of India in the matter of Union of India Vs. Sriharan @ Murugan and others restrained all state governments from exercising their powers of remission and commutation of sentences under Sections 432 and 433 of the Cr.P.C. for life convicts. Subsequently, the Hon'ble Supreme Court, vide order dated 23.07.2015, modified its earlier orders

dated 09.07.2014 and permitted the premature release of convict prisoners with certain restrictions.

21. The state Government, by the observations of the Hon'ble Supreme Court, has been considering the cases of convicted prisoners for remission and has released several prisoners who were found eligible as per government orders issued from time to time.

22. The petitioners cannot be granted remission and a direction to be released from Prison by exercising the extraordinary jurisdiction in the writ petitions. It is the sole prerogative of the State to frame a policy for considering the release of prisoners from time to time.

23. On the facts of the above batch of cases, the petitioners' cases do not call for interference from this Court. However, it is left to the discretion of the respondent/State to grant remission to any of the convicted prisoners subject to the government orders which are prevailing at that point in time.

24. With these observations, the writ petitions are disposed of, leaving it open for the petitioners to seek remission as and when the State frames any fresh policy for considering the individual cases of the prisoners for the grant of remission. This order would

in no manner be construed as a direction to the respondent/authorities to consider the cases of the petitioners positively for the grant of remission. It is further made clear that the grant of remission to any of the petitioners shall be in pursuance of the prevailing government order, which is to be made applicable to the case of the petitioners individually.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE HARINATH.N

Dated 20.08.2025
KGM

THE HON'BLE SRI JUSTICE HARINATH. N

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11545, 11549, 11605, of 2023, 1403 of 2024 and 4242 of 2025**

Dated 20.08.2025

KGM