

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

Writ Petition(s)(Criminal) No(s). 240/2021

HABIB

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(FOR ADMISSION and IA No.65614/2021-GRANT OF BAIL and IA No.65615/2021-EXEMPTION FROM FILING O.T. and IA No.65617/2021-EXEMPTION FROM FILING AFFIDAVIT)

Date : 03-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Z.U.Khan, Adv.
Mr. Yunus Malik, Adv.
Mr. Anish Maheshwari, Adv.
Mr. Aman Malik, Adv.
Mr. Samir Malik, AOR

For Respondent(s) Ms. Garima Prashad, Sr. Adv.
Mr. Sarvesh Singh Baghel, AOR
Mr. Himanshu Upadhyay, Adv.
Mr. Shailesh N. Pathak, Adv.
Mr. Surendra Nath Pandey, Adv.

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

Heard Mr. Z.U.Khan learned counsel for the petitioner and Ms. Garima Prashad, learned senior counsel for the State of U.P.

Petitioner is claiming for premature release, who is convicted for life imprisonment. Paragraph 2(b) of the amended Policy dated 28th July, 2021 reads as under:

"2(b) Such male convicted prisoners sentenced to imprisonment for life and are incarcerated in prison, whose crime is not covered by any of the sub-rule under prohibited category defined in para-3 below and who have completed age of 60 years and have undergone, including under trial custody, sentence of 16 years without remission and 20 years with remission."

Learned senior counsel appearing for the respondent-State, on instructions, submits that now the respondent(s) authorities have decided to re-consider the claims of the petitioner for premature release without reference to the age restrictions imposed in the revised policy dated 28th July, 2021 under paragraph 2(b).

In view of the statement made, we direct the respondents to re-consider the claims of the petitioner for premature release without reference to Clause 2b of the Policy dated 28th July, 2021 and pass appropriate orders within a period of six weeks from the date of receipt of this order and communicate the same to the petitioner.

List the matter after eight weeks.

(RAJNI MUKHI)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)