

ITEM NO.9 Court 6 (Video Conferencing) SECTION X

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). 246/2020

GIRISH CHANDRA Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR. Respondent(s)

(FOR ADMISSION and IA No.82257/2020-GRANT OF INTERIM RELIEF and IA No.82255/2020-EXEMPTION FROM FILING O.T.)

Date : 17-09-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE ANIRUDDHA BOSE  
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Arif Ali, Adv.  
Mr. Chand Qureshi, AOR

For Respondent(s)

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

The petitioner is alleged to have been convicted under Section 302, IPC where three people had died. It is the case of the petitioner that he has undergone more than 19 years of actual imprisonment and 25 years with remission and despite being 60 years of age now he has not been released. The petitioner claims to have presented an application in Form A under Section 2 of the Uttar Pradesh Prisoners Release on Probation Act, 1938 for premature release and even a clemency petition was filed in the year 2016 before the Governor. But there is no action taken on the same.

The petitioner also claims to have been given 11 furloughs and three paroles since 2009 and he is now serving in an open jail and running a kiosk outside the jail under the Prisoners Rehabilitation Scheme.

We must say at the inception itself that we fail to understand why the counsel for the petitioner did not advise the petitioner to move the High Court. The appropriate course would have been to move the High Court for necessary relief as otherwise it is a case fit for consideration subject to the norms.

We do believe that in such situation the petitioner would suffer because of wrong legal advice and that is the only reason we are inclined to issue a direction for the competent authorities to examine the application of the petitioner and take a decision on the same within a maximum period of two months from the date of receipt of this order.

The petition stands disposed of.

If there is any further grievance of the petitioner, he is mandated to only approach the High Court.

A copy of this order be remitted to respondent No.1 and respondent No.2 for necessary action.

Pending applications stand disposed of.

(ASHA SUNDRIYAL)  
AR-CUM-PS

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR