

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(s). 18046/2019

(Arising out of impugned final judgment and order dated 04-01-2019 in HCP No. 2956/2018 passed by the High Court Of Judicature At Madras)

THE HOME SECRETARY (PRISON) & ORS.

Petitioner(s)

VERSUS

H. NILOFER NISHA

Respondent(s)

(FOR I.R. and IA No.120949/2019-CONDONATION OF DELAY IN FILING and IA No.120951/2019-CONDONATION OF DELAY IN REFILING )

WITH

Diary No(s). 18016/2019 (II-C)

( IA No.119358/2019-CONDONATION OF DELAY IN FILING and IA No.119362/2019-CONDONATION OF DELAY IN REFILING)

SLP(Cr1) No. 7697/2019 (II-C)

(FOR I.R. and IA No.83865/2019-CONDONATION OF DELAY IN FILING)

SLP(Cr1) No. 6159/2019 (II-C)

(FOR I.R. and IA No.91498/2019-CONDONATION OF DELAY IN FILING)

Date : 17-10-2019      These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA  
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s)

Mr. V. Giri, Sr. Adv.  
Mr. M. Yogesh Kanna, AOR  
Mr. S. Raja Rajeshwaran, Adv.  
Mrs. Svadha Shankar, Adv.  
Ms. Suveni Bhagat, Adv.  
Mr. Muthucharan, Adv.

For Respondent(s)

Mr. Ratnakar Dash, Sr. Adv.  
Mr. G. Sivabalamurugan, AOR  
Mr. M. Vivek Bharathi, Adv.  
  
Mr. Nagamuttu, Sr. Adv.  
Mr. P. A. Noor Muhamed, AOR  
Mr. S.A.S. Alauddeen, Adv.  
Mr. Mohamed Yusuff, Adv.  
Mr. Sheik Moul Ali Basha, Adv.  
Mr. Shereef KA, Adv.

Mr. Abdul Rahiman, Adv.  
Mr. Ansar UL Haq, Adv.  
Mr. Hardik Gautam, Adv.

UPON hearing the counsel the Court made the following

**O R D E R**

In these cases, the two issues arise. The first issue is whether a person who is behind bars because of sentence imposed to him by a criminal court can approach the writ court praying for a writ of habeas corpus that he be released in terms of some Government orders / Rules providing for pre-mature release. The issue is whether a writ of habeas corpus in such circumstances would lie or not.

The second issue is whether any State without the consent of the President of India can form a scheme which is in variation or violative of the provision of Section 433A of the Code of Criminal Procedure and provide for release of prisoners who have been directed to undergo life imprisonment in cases where the offence is also punishable by death prior to their serving 14 years of incarceration.

List the matters on 25.11.2019.

(MEENAKSHI KOHLI)  
COURT MASTER

(RENU KAPOOR)  
COURT MASTER