

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRIMINAL) NO.118 OF 2017.

SHORE ALI . . .PETITIONER(S)

VERSUS

STATE OF U.P. & ANR. . .RESPONDENT(S)

ORDER

1. The accused who has been convicted under Section 302/149 IPC claims to have served imprisonment for a period of over 20 years. He, therefore, seeks appropriate orders from this Court for his release by remission of the sentence imposed.

2. We have heard the learned counsel for the petitioner. None has appeared on behalf of the respondents in spite of due service of notice.

3. It appears that by order dated 13<sup>th</sup> July, 2011 (Annexure P-7 to the Writ

Petition) the case of the petitioner was considered under the provisions of Uttar Pradesh Prisoners Release on Probation Act, 1938 and he was found to be not entitled for release. Accordingly, the representation of the petitioner seeking release was rejected by the said order dated 13<sup>th</sup> July, 2011. The said order dated 13<sup>th</sup> July, 2011 is not supported by any reasons.

4. Taking into account the long period of custody suffered, if the petitioner is entitled to remission or release under any provision of law or Executive Order, as may be in force, his case has to be considered and an appropriate decision has to be arrived at after considering the entitlement of the petitioner. As the order dated 13<sup>th</sup> July, 2011 is not supported by any reasons we set aside the said order

dated 13<sup>th</sup> July, 2011 and require the concerned Authority in the State Government i.e. State of Uttar Pradesh to consider the case of the petitioner for release/remission under any law/executive scheme/order, as may be in force and thereafter pass a reasoned order in the matter. Such decision of the concerned Authority will be made within a period of four weeks from the date of receipt of a copy of this Order.

5. The writ petition is disposed of in the above terms.

.....,J.  
(RANJAN GOGOI)

.....,J.  
(NAVIN SINHA)

NEW DELHI  
OCTOBER 30, 2017

ITEM NO.50

COURT NO.3

SECTION X

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

WRIT PETITION (CRIMINAL) NO(S). 118/2017

SHORE ALI

PETITIONER(S)

VERSUS

THE STATE OF UTTAR PRADESH &amp; ANR.

RESPONDENT(S)

(FOR ADMISSION AND IA NO.68757/2017-EXEMPTION FROM FILING O.T. AND  
IA NO.73113/2017-I/A FOR BAIL)

Date : 30-10-2017 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s)

Mr. Mohit Paul, AOR

Mr. Puneeth K.G., Adv.

Mr. Anugrah Niraj Ekka, Adv.

Mr. Vikas Arora, Adv.

For Respondent(s)

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

Exemption from filing O.T. is granted.

The writ petition is disposed of in terms of the  
signed order.

[VINOD LAKHINA]

AR-cum-PS

[ASHA SONI]

BRANCH OFFICER

[SIGNED ORDER IS PLACED ON THE FILE]