

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRIMINAL) NO(S). 181/2017

RAKESH KUMAR

PETITIONER(S)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

RESPONDENT(S)

O R D E R

1. The writ petition is filed with the following prayers:-

a) Issue a writ, order or direction in the nature of certiorari quashing the order No.439/2017/984-22-2-2017-17(154/2017) dated 15.6.2017 issued by Surya Prakash Singh Sengar Joint Secretary, Govt. of U.P.

b) Issue such other writ, order or direction in the nature of mandamus commanding the opposite parties and direct them to release the petitioner forthwith, if he is not involved in any other case except this one, in the light of the recommendations made by the District Magistrate, Sr. Superintendent Police, the Board of District Probation Officer as well as the jail authorities and also keeping in mind his conduct and behaviour inside the jail as well as outside during his home leaves in the tenure of 28 years inside the jail, in the interest of justice;"

2. It is not disputed in the counter affidavit that the petitioner has been in actual custody for more than 27 years. It is not clear from the counter affidavit as to whether the case of the petitioner was considered for premature release.

3. Since the petitioner has already undergone around 28 years of actual sentence, the petitioner is directed to be released, unless he is required to be detained in connection with any other case.

4. The writ petition is allowed, as above.
5. Pending application(s), if any, shall stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[SANJAY KISHAN KAUL]

NEW DELHI;
SEPTEMBER 20, 2018.

ITEM NO.39

COURT NO.4

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 (CRIMINAL) NO(S). 181/2017

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PETITIONER(S)

VERSUS

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RESPONDENT(S)

Date : 20-09-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Sangram Lal Pandey, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s) Mr. Mrinmay Bhattmewara, Adv.
Mr. Vikas Chaudhary, Adv.
Mr. Sanjay Kumar Tyagi, AOR

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

The writ petition is allowed, in terms of the signed order.

(NARENDRA PRASAD)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)