ITEM NO.14 Court 3 (Video Conferencing) SECTION X

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

Writ Petition(s)(Criminal) No(s). 330/2021

BASUDEB SHARMA Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL

Respondent(s)

(FOR ADMISSION)

Date: 03-09-2021 This petition was called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR HON'BLE MR. JUSTICE HRISHIKESH ROY HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Mangaljit Mukherjee, Adv

Mrs.Debarpita Basu Mukherjee, Adv

Mr. Chand Qureshi, AOR Mr. Satayakam C., Adv

For Respondent(s) Mr. Suhaan Mukerji, Adv

Mr. Vishal Prasad, Adv.

Mr. Nikhil Parikshith, Adv.

Mr. Abhishek Manchanda, Adv.

Mr. Sayandeep Pahari, Adv.

UPON hearing the counsel the Court made the following O R D E R $\,$

The gravamen of the grievance of the petitioner is essentially about prolonged incarceration of almost 21 years in connection with the offence of murder.

The State has filed affidavit to place on record proceedings of the 65th Meeting of the State Sentence Review Board, West Bengal convened on 14.07.2021, which considered the cases for premature release of several life convicts.

We have perused the said minutes.

Prima facie, we are of the opinion that the basis for rejecting the proposal of the petitioner is unclear, if not unintelligible. It merely mentions about the opposition on the part of the victim's family. That by itself cannot be the basis to reject the proposal. Instead, holistic approach needs to be taken while considering the proposal for premature release in relation to convicts who have suffered incarceration for over 21 years as in this case.

We direct the Board to reconsider the case of the petitioner by taking into account all aspects of the matter, including the fact that the petitioner, because of his good conduct in jail, has been placed in Correctional Home for quite some time.

Accordingly, hearing of this writ petition is deferred for two months to enable the Board to take appropriate decision in the matter in connection with the proposal of the petitioner by reconsidering the same, as aforesaid, within six weeks from today.

List the matter on 10.11.2021.