

ITEM NO.12+13

COURT NO.7

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). 87/2021

MURARI LODH & ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No. 19763/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 109825/2021 - INTERIM BAIL)

WITH W.P.(Cr1.) No. 188/2021
(IA No. 58612/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 110579/2021 - INTERIM BAIL)

W.P.(Cr1.) No. 186/2021
(IA No. 58449/2021 - CLARIFICATION/DIRECTION
IA No. 110584/2021 - INTERIM BAIL)

W.P.(Cr1.) No. 185/2021
(IA No. 58374/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 111359/2021 - INTERIM BAIL)

W.P.(Cr1.) No. 226/2021
(FOR ADMISSION and IA No.63500/2021-INTERIM BAIL and
IA No.63499/2021-EXEMPTION FROM FILING O.T.)

Item No. 13

Writ Petition(s)(Criminal) No(s). 152/2021
(IA No. 45807/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 112188/2021 - INTERIM BAIL)

WITH W.P.(Cr1.) No. 154/2021
(IA No. 46321/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 112186/2021 - INTERIM BAIL)

Date : 16-11-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. K. L. Janjani, AOR
 Mr. Anil Kumar Pandey, Adv.

 Ms. Anu Gupta, AOR
 Mr. Sanjay Mani Tripathi, Adv.
 Mr. Kulwant Singh Narwal, Adv.

 Mr. Z.U.Khan, Adv.
 Mr. Sulaiman Mohd. Khan, Adv.
 Ms. Taiba Khan, Adv.
 Ms. Nida Khan, Adv.
 Mr. Ashish Choudhury, Adv.
 Mr. Divyank Tyagi, Adv.
 Mr. Imran Ali Khan, Adv.
 Mr. Rohit Amit Sthalekar, AOR

For Respondent(s) Mr. Pradeep Misra, AOR
 Mr. Suraj Singh, Adv.
 Mr. Aviral Saxena, Adv.
 Mr. Akshya Saxena, Adv.
 Mr. Shantanu Singh, Adv.
 Mr. Bhuwan Chandra, Adv.
 Mr. Manoj Kr. Sharma, Adv.

 Ms. Garima Prashad, Sr. Adv.
 Ms. Ruchira Goel, AOR
 Mr. Akshay Chowdhary, Adv.

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

In all these cases, petitioners are convicted for life. It is the case of the petitioners that they are in custody for more than 20 years and they are entitled to be released prematurely in terms of the Policy bearing no. 564/2018/1106/22-02-2018-07G/2018 dated 1st August, 2018.

Learned counsel for some of the petitioners submits that the above Policy has been amended on 28th July, 2021 and that the Clauses 2(b) and 2(f) of the Policy, as amended, is not applicable to the petitioners, as it has no retrospective effect.

Having heard the learned counsel for the parties, we are of the view that the respondents have to consider the premature release of the petitioners. Therefore, we direct the first and the second respondents to consider/re-consider the premature release of the petitioners within a period of eight weeks from today and submit a report to this Court in that regard.

However, we make it clear that Clauses 2(b) and 2(f) of the amended Policy dated 28th July, 2021 shall not be taken into account by the respondents while considering premature release of the petitioners.

(NEELAM GULATI)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
COURT MASTER (NSH)