

ITEM NO.8

COURT NO.1

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

Miscellaneous Application No.2169/2022 in W.P.(Crl.) No. 36/2022

RAJKUMAR

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(IA No. 130844/2022 - CLARIFICATION/DIRECTION, IA No. 179665/2022 - GRANT OF BAIL)

Date : 05-01-2023 This application was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s)

Mr. Nagendra Singh, Adv.  
Mr. Ashish Pandey, Adv.  
Mr. Prateek Rai, Adv.  
Dr. Sanjay Gupta, Adv.  
Dr. Amardeep Gaur, Adv.  
M/S. V. Maheshwari & Co., AOR

For Respondent(s)

Mr. Ardhendumauli Kumar Prasad, A.A.G.  
Ms. Preetika Dewedi, Adv.  
Mr. Vishnu Shankar Jain, AOR

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

- 1 In these proceedings, the specific cause for the Miscellaneous Application is that despite the previous orders of this Court, the case for remission/pre-mature release of fifty convicts has not been considered by the competent authority in the State of Uttar Pradesh.
- 2 Concerned as we are with the compliance of the order of this Court, an additional aspect which needs to be noted is that in its judgment in **Rashidul**

**Jafar @ Chota v State of Uttar Pradesh**<sup>1</sup>, this Court had expressly clarified that the State is duty bound to consider applications for pre-mature release in terms of its own policy without an application being required to be filed.

3 The Director General of State of Uttar Pradesh shall file a personal affidavit before this Court setting out the following details:

- (i) The steps which have been taken in pursuance of the decision of this Court in **Rashidul Jafar @ Chota** (supra) for considering cases for pre-mature release and the institutional arrangements which have been put into place;
- (ii) How many convicts are eligible for being considered for pre-mature release, district-wise, in the State of Uttar Pradesh;
- (iii) How many cases have been considered for pre-mature release since decision of this Court in **Rashidul Jafar @ Chota** (supra);
- (iv) How many cases remain to be considered; and
- (v) The time period within which the cases shall be considered.

4 The affidavit shall be filed within a period of three weeks.

5 Notice shall also issue to the Uttar Pradesh State Legal Services Authority<sup>2</sup>.

6 The Registrar General of the High Court of Judicature at Allahabad shall also cause a copy of the notice to be served on the Secretary to UPSLSA.

1 Writ Petition (Crl) No 336 of 2019 decided on 6 September 2022  
2 “UPSLSA”

- 7 We request the UPSLSA to assist this Court through panel counsel so that the purpose underlying the directions which were issued in the above judgment is duly fulfilled.
- 8 We request Mr Rishi Malhotra, counsel, to assist this Court as *Amicus Curiae*.
- 9 The Registry shall cause a copy of the paper book to be given to the *Amicus Curiae*.
- 10 In the meantime, we direct compliance with the orders already passed by this Court in regard to the fifty convicts involved in the present case.
- 11 List the Miscellaneous Application on 6 February 2023.

**(SANJAY KUMAR-I)**  
**DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**