

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

SMW(Cr1.) No(s). 4/2021

IN RE POLICY STRATEGY FOR GRANT OF BAIL

([TO BE TAKEN UP AT 2.00 P.M.]
MR. GAURAV AGRAWAL, ADV. IS AMICUS CURIAE --
IA No. 203408/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 132106/2022 - EXEMPTION FROM FILING O.T.
IA No. 203407/2022 - INTERVENTION APPLICATION)

WITH SLP(Cr1) No. 529/2021

(FOR ADMISSION AND I.R AND MR. NEERAJ KUMAR JAIN, SR. ADVOCATE (A.C.), MR. GAURAV AGRAWAL, ADVOCATE FOR NATIONAL LEGAL SERVICES AUTHORITY, MS. RASHMI NANDAKUMAR, ADVOCATE FOR NALSA, MR. DEVANSH A. MOHTA, ADVOCATE (A.C.), MR. ABHIMANYU TEWARI, ADVOCATE FOR STATE OF ARUNACHAL PRADESH, MR. YOGESH KANNA, ADVOCATE FOR STATE OF TAMIL NADU, MR. CHANCHAL K. GANGULI, Advocate for STATE OF WEST BENGAL, MR. SAMIR ALI KHAN, Advocate for State of Bihar, MR. MILIND KUMAR, ADVOCATE FOR STATE OF RAJASTHAN, MAHFOOZ A NAZKI FOR STATE OF ANDHRA PRADESH, MR. SACHIN PATIL FOR STATE OF MAHARASHTRA, MR. D.L CHIDANANDA FOR STATE OF KARNATAKA, MR. PRADEEP MISRA, ADVOCATE FOR STATE OF UP, MR. M.K MARORIA FOR ANDAMAN AND NICOBAR ISLANDS, MR. HARSHAD V HAMEED FOR STATE OF KERALA, MR. SHO VAN MISHRA, ADVOCATE FOR STATE OF ODISHA, DR. MONIKA GUSAIN, ADVOCATE FOR STATE OF HARYANA AND MR. ABHINAV MUKERJI, ADVOCATE FOR STATE OF HIMACHAL PRADESH, Mr. Aaditya Aniruddha Pande, Advocate for State of Maharashtra, Mr. Pukhrambam Ramesh Kumar, Advocate for State of Manipur, Ms. Swati Ghildiyal, Advocate for State of Gujarat, Mr. Shuvodeep Roy, Advocate for State of Assam, Mr. Pashupatinath Razdan, Advocate for State of MP., Ms. K. ENATOLI SEMA, ADVOCATE FOR STATE OF NAGALAND, Mr. Shirin Khajuria, Advocate for State of Goa, Mr. Sameer Abhyankar, Advocate for the State of Sikkim, Ms. Vishakha, Advocate for High Court of Gujarat and Mr. Bhavana Duhon, Advocate for State of Goa, Ms. Rooh-e-Hina Dua, Advocate for State of Punjab

IA No. 125258/2024 - ANTICIPATORY BAIL

IA No. 125257/2024 - CLARIFICATION/DIRECTION

IA No. 21807/2024 - EXEMPTION FROM FILING O.T.

IA No. 119551/2024 - INTERVENTION/IMPLEADMENT

IA No. 21806/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

Date : 06-08-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

By Courts Motion

Mr. Gaurav Agrawal, Sr. Adv. (Amicus Curiae)
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Mr. Devansh A Mohta, Adv. (Amicus Curiae)
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Ms. Bagavathy V., Adv.
Ms. Anchala Cletus, Adv.

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Mr. Aniket Rajput, Adv.

Ms. Khoisnam Nirmala Devi, Adv.

Mr. Kumar Mihir, AOR

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

Re: Premature release of life convicts

Ms. Liz Mathew, the learned senior counsel who is appointed as amicus curiae has tendered in the Court a note on premature release of life convicts dated 6th August, 2024. The learned senior counsel will submit an additional note after analyzing the data received from the various States. The copies of the notes be supplied by her to the learned standing counsel representing the concerned States.

For considering the note and compliance reports by the States, list on 10th September, 2024 at 2.00 p.m.

This Court is considering the issues which arise due to non-consideration of the cases of the life convicts by various States for grant of permanent remission. Though this Court is considering the issue, we make it clear that if any petitions are pending before the various High Courts seeking writ of *Mandamus* for grant of premature release, notwithstanding the pendency of this case in this Court, the High Courts will proceed to deal with the pending matters in accordance with law. Similarly, all the States are free to deal with the cases of the life convicts for grant of premature release.

Mr. Navneet R, Advocate-on-Record will assist Ms. Liz Mathew, the learned senior counsel who is appointed as amicus curiae.

Re: e-prison module

Mr. Devansh A.Mohta, the learned counsel who has been appointed as amicus curiae has invited our attention to a note for today's hearing and this Court's order dated 12th December, 2023. The relevant part of the order dated 12th December, 2023 reads thus:

"We may however, note that as per the directions sought regarding the e-prison module,

we are informed that except two States responses have been filed. What is sought for by prayer (i) is that key data element namely FIR No.CNR/PTN number-Prison ID are collated for inmates languishing in jails and updated on the e-prison portal. We would expect the States to take this aspect into consideration for updating the data."

We direct that in terms of the above directions, the States Government shall furnish updated data/compliance as of 31st July, 2024. The data shall be forwarded by the States to the learned amicus curiae and the same shall be placed on record within a period of three weeks from today.

For considering passing of further orders, to be listed on 10th September, 2024 at 2.00 p.m.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER