



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 34432 of 2025

(An application under Articles 226 & 227 of the Constitution of India)

Pramod Gouda

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Petitioner

-Versus-

State of Odisha & Ors.

.....

Opposite Parties

Advocate(s) appeared in this case:-

For Petitioner : Mr. S.Panigrahi , Advocate

For Opposite Parties : Mr. G.Tripathy, AGA

CORAM : JUSTICE B.P. ROUTRAY

JUDGMENT

28th July 2026

B.P. Routray,J.

1. Heard Mr. S.Paigrahi, learned counsel for the Petitioner and Mr. G.Tripathy, learned AGA for State-Opposite Parties-Bank.

2. The Petitioner who is detained in the prison at Biju Pattnaik Open Air Ashram, Jamujhari in the district of Khurdha is incarcerating for commission of offences under Section 302/ 149/ 148 of the Indian Penal Code and Section 3 of the Explosive Substances Act. The Petitioner has been sentenced to undergo life



imprisonment along with other imprisonment for different term, to run concurrently, by learned District and Sessions Judge, Ganjam-Gajapati in Sessions Case No.15 of 1997, judgment dated 6th December 1997. The conviction and sentence of the Petitioner has been confirmed by this Court in CRA No.10 and 12 of 1998 as well as the same has been confirmed by the Hon'ble Apex Court in S.L.P. (Crl) No.1250 of 2020 as per the submission of learned counsel for the Petitioner.

3. The Petitioner is continuing in custody since 6th December 1997 upon his conviction and prior to that he was detained in custody for a period of one year and five months as under trial prisoner. His case was taken up by the State Sentence Review Board (SSRB) in its 47th meeting held on 19th September 2025. The SSRB considered the case of the Petitioner and rejected it mainly on the ground that the crime committed was an organized crime and the Petitioner is 47 years old man who has not lost his potential to commit further crime. For better appreciation the observation of the SSRB is reproduced below:-

“He along with 04 others committed murder of a person by dealt with swords, lathis and bombs blows on his person. It was an organised crime. He is 47 years old.



The Board is of the view that he has not lost his potentiality to commit further crime. The offence committed by the convict has serious ramification on the society at large.”

4. According to the Petitioner his conduct inside jail is found satisfactory as per the report of Jail Superintendent and he does not have any adverse observation against his conduct while continuing in custody. Further, he was released on Parole and Furlough on different occasions and during such period also his conduct was found satisfactory without drawing any adverse remark. As per the report of the Superintendent of Police at Annexure-4, he recommended the case of the Petitioner for premature release with observation that the Petitioner led an honest life during his Parole and Furlough leave and no law and order situation arose during said period concerning the Petitioner. It is thus submitted that when all the reports, particularly the local police, are favouring the release of Petitioner, the SSRB did not consider it prospectively for premature release of the Petitioner. It is further submitted that the alleged crime against the Petitioner for such offence stated above is relating to murder of one K.Gopi Krishna Reddy of village-Kukudakhandi.



5. Mr. Tripathy, learned AGA while opposing the prayer of the Petitioner submits that the SSRB within its discretion has considered the case of the Petitioner for his premature release and rejected the same taking note of the circumstances of heinousness of the crime as well as other attending materials regarding potentiality of the Petitioner to commit the crime in future. He submits that the murder has been committed by the Petitioner along with others by using deadly weapons as well as by hurling bombs creating havoc in the locality and thus, keeping in view the age of the Petitioner *vis-à-vis* his instinct to commit crime, particularly in the same locality, the potentiality to commit further crime cannot be ruled out. Therefore, SSRB has rightly rejected the prayer of premature release of the Petitioner on due consideration of the materials available against him. He further submits that the report of the local authority with regard to the conduct of the Petitioner either inside the jail or during the leave period is though relevant for consideration, but cannot be the sole determining factor to release the Petitioner prematurely.

6. On the backdrop of rival submissions made at the bar, it is relevant to see the guidelines prescribed for premature release of



the Petitioner. As per the resolution of Government of Odisha in Law Department dated 19th April 2022 published in Odisha Gazette, an uniform standard and criteria for determining the eligibility of prisoners undergoing life sentence has been prepared for premature release of such detainees in consonance with the guidelines issued by the National Human Rights Commission from time to time. The said guidelines for premature release, 2022 prescribe the eligibility criteria for consideration for premature release at Clause-5 and the same reads as follows:-

5. Eligibility for Premature Release- Save as provided in these guidelines, every convicted prisoner whether male or female undergoing sentence of life imprisonment and covered by the provisions of Section 433 A of the Code of Criminal Procedure, 1973 (hereinafter referred to as Cr.P.C.) shall be eligible to be considered for premature release from the prison immediately after serving out the sentence of fourteen years of actual imprisonment i.e. without the remissions.

Explanation- For the purpose of this clause, it is clarified that upon completion of fourteen years in prison by itself will not entitle a convict to be released automatically from the prison and the Board shall have the discretion to release a convict at an appropriate time and cases considering the circumstances in which the crime was committed and the other factors, namely:-



- (a) Whether the convict has lost his potential for committing crime considering his overall conduct in jail during the fourteen years incarceration;
- (b) The possibility of reclaiming the convict as a useful member of the society; and
- (c) Socio-economic condition of the convict's family.

7. Further, the categorization of prisoners have been delineated at Clause-6, which reads as follows:-

6. Categorization of Prisoners for premature release. (1) Having regard to the provisions contained under section 433 A of Cr.P.C., the National Human Rights Commission(NHRC) opined that a reasonable classification may be made within the category of convicts on the basis of magnitude brutality and gravity of the offence for which the convict was sentenced to life imprisonment and accordingly certain categories of life convict prisoners other than those mentioned in clauses (a) to (e) below may be eligible for premature release after the completion of twenty (20) years of imprisonment including remission:

- (a) Convicts who have been imprisoned for life for murder in heinous cases such as murder with rape cases, coming under the categories undergoing Imprisonment for life being convicted under sections 376 A, 376 AB, 376 DA and 376 DB of the Indian Penal Code 1760 (hereinafter referred to as IPC), dacoity with murder, murder involving an offence under the Protection of Civil Rights Act, 1955, murder of a child below 14 years of age,



prisoners sentenced to life imprisonment being convicted with the offence of aggravated penetrative sexual assault on a child under section 6(1) of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as POCSO, Act), multiple murder, murder committed after conviction while inside the Jail, murder during parole, murder in a terrorist incident, murder in smuggling operation, murder of a public servant on duty;

b) Gangsters, contract killers, smugglers, drug traffickers, prisoners those sentenced to life imprisonment being convicted under section 31A of the Narcotic Drug and Psychotropic Substances Act, 1985, racketeers awarded with life imprisonment for committing murders as also the perpetrators of murder committed with premeditation and with exceptional violence or perversity;

(C) Convicts whose death sentence has been commuted to life imprisonment;

(d) Convicts undergoing life imprisonment under section 121 of IPC; and

(e) Such convicts of like categories as the Board may decide

Provided that the categories of life convicts mentioned in clauses (a) to (c) may be placed for consideration for premature release after completion of twenty five (25) years of incarceration.



(2) Female convict sentenced to imprisonment for life including those governed by section 433 A of the Code of Criminal Procedure, 1973 aged more than sixty (60) years and have undergone an actual imprisonment of five (5) years including remand period and total imprisonment of six (6) years including remission as on date shall be released except the following, namely:-

- (a) Prisoners convicted and sentenced by courts situated outside the State of Odisha;
- (b) Prisoners convicted of offences against laws relating to a matter to which the executive powers of the Union extends;
- (c) Prisoners involved in and convicted for offences relating to communal incidents;
- (d) Life convicts who are punished for any prison offence during the last three preceding years and/or those who are punished for any serious prison offence like revolt/ organising revolt against the prison administration anytime during their entire period of stay in the prison;
- (e) Prisoners who are released on parole/furlough and who committed or attempt to commit any of the offences punishable under any law for the time being in force;
- (f) Life convicts who have escaped from custody during the preceding three years and have not surrendered voluntarily;
- (g) Prisoners convicted under the Essential Commodities Act, 1955;
- (h) Prisoners convicted under Narcotic Drugs and Psychotropic Substances Act, 1985, the Prevention



of Terrorism Act, 2001 and special Acts enacted for Prevention of Terrorism and Mafia and other organized crimes who had been sentenced to imprisonment for life;

(i) Life convicts who have committed offence/offences against children;

(j) Life convicts who are convicted for Kidnapping and related offences U/s 363A, 364, 364 A, 366, 356 A, 366 B, 367, 368, 369, 372 and Section 373 of the Indian Penal Code 1860,

(k) Life convicts convicted under sections 304 B, 306, 498 A of IPC and offences under the Dowry Prohibition Act, 1961;

(l) Prisoners involved and convicted for life in two or more afferent murder cases;

(m) Professional killers who have been guilty of murder being hired;

(n) Prisoners convicted under waging or attempting to wage war, or abetting the waging of war against the Government of India;

(o) Prisoners convicted of murder of Public Servants while performing official duty,

(p) Prisoners sentenced to death sentence, which is later commuted to life sentence;

(q) Prisoners convicted for life under sections 379 to 402 IPC;

(r) Prisoners who are convicted for life imprisonment in any case with two counts or more,

(s) Life convicts who have overstayed on parole/furlough for more than three days in the last preceding three years shall not be released unless



they complete ten (10) years of actual sentence with remand period and twelve (12) years with of remission as on date.

(3) Male convict sentenced to imprisonment for life including those governed by section 433 A of the Code of Criminal Procedure, 1973 aged more than sixty five (65) years and have undergone an actual imprisonment of five (5) years including remand period and total imprisonment of seven (7) years including remission as on date shall be released except the following, namely:-

- (a) Prisoners convicted and sentenced by courts situated outside the State of Odisha;
- (b) Prisoners convicted of offences against laws relating to a matter to which the executive powers of the Union extends;
- (c) Prisoners involved in and convicted for offences relating to communal incidents;
- (d) Life convicts who are punished for any prison offence during the last three (3) preceding years and/or those who are punished for any serious prison offence like revolt/ organising revolt against the prison administration anytime during their entire period of stay in the prison;
- (e) Prisoners who are released on parole/furlough and who committed or attempt to commit any of the offences punishable under any law for the time being in force
- (f) Life convicts who have escaped from custody during the preceding three (3) years and have not surrendered voluntarily;



(g) Prisoners convicted under the Essential Commodities Act, 1955;

(h) Prisoners convicted under Narcotic Drugs and Psychotropic Substances Act, 1985, the Prevention of Terrorism Act, 2001 and special Acts enacted for Prevention of Terrorism and Mafia and other organized crimes who had been sentenced to imprisonment for life;

(i) Life convicts who have committed offence/offences against children;

(j) Life convicts who are convicted for kidnapping and related offences Us 363A, 364, 364A, 366, 366A, 366B, 367, 368, 369, 372 and Section 373 of the Indian Penal Code. 1860;

(k) Life convicts convicted in crimes against women under sections 376, 304 B, 306, 498 A of IPC and offences under the Dowry Prohibition Act, 1961;

(l) Prisoners involved and convicted for life in two or more different murder cases;

(m) Professional killers who have been guilty of murder being hired;

(n) Prisoners convicted under waging or attempting to wage war, or abetting the waging of war against the Government of India;

(o) Prisoners convicted of murder of Public Servants while performing official duty;

(p) Prisoners sentenced to death sentence, which is later commuted to life sentence;

(q) Prisoners convicted for life under sections 379 to 402 IPC;



(r) Prisoners who are convicted for life imprisonment in any case with two counts or more;

(s) Life convicts who have overstayed on parole/furlough for more than three days in the last preceding three years shall not be released unless they complete ten (10) years of actual sentence with remand period and twelve (12) years with of remission as on date.

(4) All other convicted male prisoners not convicted by section 433 A of the Cr.P.C. undergoing the sentence of life imprisonment shall be eligible to be considered for premature release after they have served at least fourteen (14) years of imprisonment inclusive of remission but only after completion of ten (10) years of actual imprisonment i.e. without remissions;

Provided that in the case of following categories of cases, the convicts who have served at least twelve (12) years of imprisonment may be considered for premature release namely:

(a) Penetrative sexual assault under section 4(1) of the POCSO Act, 2012,

(b) Penetrative sexual assault on a child below sixteen years of age;

(c) Cases of Gang rape on a woman below sixteen years of age punishable under section 376 DA of the IPC;

(d) Cases of Gang rape on a woman by one or more persons constituting a group or acting in furtherance of a common intention;

(e) Cases of voluntarily causing grievous hurt by use of acid or acid attack;



(f) Cases of counterfeiting currency-notes or bank-notes where punishment can extend to imprisonment for life under section 489 A of the IPC;

(g) Using as genuine, forged or counterfeiting currency -notes or bank-notes where punishment can extend to imprisonment for life under section 489 B of the IPC;

(h) Making or possessing instruments or materials for forging or counterfeiting currency-notes or bank-notes where punishment can extend to imprisonment for life under section -489-D of the IPC; and

(i) Cases of Offence against the State under Chapter VI of the IPC such as under section 121 A, section 122, section 124 A (Sedition), section 125, section 128 and section 130 of the IPC wherein the punishment prescribed can extend to imprisonment for life amongst other shorter terms.

(5) The female prisoners not covered by section 433 A of the Cr.P.C undergoing the sentence of imprisonment would be entitled to be considered for premature release after they have served at least ten (10) years of imprisonment inclusive of remissions but only after completion of seven (7) years actual imprisonment without remissions.

(6) Cases of premature release of prisoner undergoing life imprisonment before completion of fourteen (14) years of actual imprisonment on the ground of terminal illness etc. can be dealt



with under the provisions of Article 161 of the Constitution of India.

8. In the case at hand, as seen from the reasons stated by the State Sentence Review Board to reject the case of the Petitioner for premature release is mainly on the ground that the Petitioner still has the potential to commit the crime. The impugned order of rejection at Annexure-1 does not reveal any materials to show that the Petitioner has the potential to commit further crime in present days nor did the counter filed by the State gives any light on availability of such materials against the Petitioner. The phrase *“potentiality to commit further crime”* depends on the facts of the case to opine as such either in favour of the accused or against him. It is undisputed that the Petitioner by now is more than 47 years and he is inside custody since 6th December 1997, i.e. more than 28 years as on date and more than 27 years six months on the date of consideration by the SSRB on 19th September 2025.

9. The heinousness of the crime as stated at Clause-6 of the guidelines dated 19th April 2022 is not attracted in the present facts of the case and the limitations prescribed thereof for different crimes like murder with rape, dacoit with murder etc. does not



emerge as a ground to reject the case of the Petitioner for premature release.

10. The facts of the case undisputedly speaks that, it is a murder of a single person though by use of deadly weapons and explosive substances within the public view. But it is a matter of long past in 1996 and the Petitioner has already incarcerated for more than 28 years by now. The reports of the local authority do not speak any adverse against the conduct of the Petitioner during his release either on Parole and Furlough leave.

11. The behavior and conduct of the Petitioner inside the jail as a prisoner is also found satisfactory as per the submission of the Petitioner and nothing adverse in that respect is stated in the counter of the State Government. The sole ground taken by the SSRB to reject the case of the Petitioner is that he still has not lost the potentiality to commit further crime. But the basis for arriving at such conclusion by the SSRB does not appear to be founded on any fresh material against the Petitioner but seems to be an opinion arrived looking at the scene of the crime committed by this Petitioner in 1996. Section 433 & 433A of the Cr.P.C. (Section 474



& 475 of the BNSS) authorizes the appropriate Government for commutation of the sentence of a life convict incarcerated for more than 14 years and the guidelines dated 19th April 2022 prescribe thereof the standards to be considered to exercise the discretion. Explanation (a) to clause 5 of said guidelines speaks that the potentiality to commit crime would be considered depending on overall conduct of the prisoner in jail during the fourteen years incarceration and here the reports of the local authorities including superintendent of police are favoring the petitioner without any adverse observation on his conduct either inside the jail or during his leave on parole or furlough. So without any adverse observation on the conduct of the petitioner (prisoner) during last 28 years, i.e. from the date of his conviction on 6th December 1997, no justified ground is made out against the petitioner to opine that he is having the potentiality to commit further crime. In the circumstances of the given case as discussed above and looking at the reasons stated against the Petitioner in the impugned order the same is not found corroborated by material particulars on record and accordingly, this Court is inclined to direct the SSRB to reconsider its decision in respect of the Petitioner.



12. Accordingly, the writ petition is disposed of with a direction to Opposite Party No.1 to reconsider the case of the Petitioner afresh for his premature release in the next sitting of State Sentence Review Board, particularly keeping in view the long period of incarceration of the Petitioner and the report of the jail authority as well as local authority with regard to his conduct and behavior during the period of incarceration and during his interim release, along with other relevant attending circumstances.

(B.P. Routray)
Judge

S.Das, Sr. Steno