



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (Criminal) No. 672 of 2025

January 06, 2026

Sukhvinder Kaur & Another

---Petitioners

Versus

State of Uttarakhand & Others

---Respondents

Presence:-

Mr. L.K. Tripathi, learned counsel (through V.C.) along with Ms. Menka Tripathi and Mr. Harish Bisht, learned counsel for the petitioners
Mr. J.S. Virk, learned Deputy A.G. with Mr. Rakesh Kumar Joshi, learned Brief Holder for the State

JUDGMENT : (per Sri G. Narendar, C.J.)

Heard Ms. Menka Tripathi, learned counsel appearing for the petitioners and Mr. J.S. Virk, learned Deputy Advocate General for the State.

2. Learned D.A.G. would submit that the Authorities have extended the parole by a further 15 days. Learned counsel for the petitioner would submit that she has prayed for the following reliefs:-

“(i) Direct the State of Uttarakhand to exercise the power of remission u/s 477 of BNSS read with Article 161 of the Constitution of India; and



(ii) Direct the respondents to consider and decide the representation dated 02.01.2025 submitted by the petitioner no.2.

(iii) To direct the respondent to release the petitioner no.2 on bail on such terms and conditions as the Hon'ble Court may deem just fit and proper in the circumstances of the case"

3. A bare perusal of the relief sought for would clearly indicate that the same is not within the domain of this Court. It is settled law that the power of remission is in the domain of the State Government.

4. Learned counsel for the petitioner would further submit that the instant petition is in the form of a mercy petition and would plead that keeping in view the long incarceration of more than 8 years and the undisputed serious mental health condition, the sentence undergone may be treated as sufficient.

5. The sentence having been upheld by this Court and also affirmed by the Hon'ble Apex Court, the said plea, in our considered opinion, is unsustainable.

6. Be that as it may. Learned counsel for the petitioners places on record proceedings of Government of Uttar Pradesh dated 19.07.2024, which reads as under:-



2026:UHC:218-DB

*"Government of Uttar Pradesh
Prison Administration and Correctional Services Department
-Section-2*

No. 66/2024/4041/22-2-2023-17(677)/2021

Lucknow, dated: 19 July 2024

ORDER

In exercise of the powers conferred under Article 161 of the Constitution of India, the Hon'ble Governor of Uttar Pradesh hereby grants remission of the remaining sentence of the convicted prisoner Udaybhan Karwariya (Prisoner No.512/2019), son of Late Vishisht Muni Karwariya, resident of 1184 Kalyani Devi, Police Station Atarsuiya, District Prayagraj, who is lodged in Central Jail, Naini, Prayagraj.

The said convict was sentenced to life imprisonment by the Court of the Learned Additional Sessions Judge, Court No. 5, Allahabad, vide judgment and order dated 04.11.2019 in Sessions Trial No. 799 of 2014, for offences punishable under Sections 302/149, 307/149, 147, 148 of the Indian Penal Code and Section 7 of the Criminal Law Amendment Act.

As on 30.07.2023, the convict has undergone 08 years, 03 months and 22 days of actual imprisonment and 08 years, 09 months and 11 days of total sentence including remission.

Taking into consideration the recommendation made by the Senior Superintendent of Police and the District Magistrate, Prayagraj for premature release, the good conduct of the prisoner in jail, and the recommendation made by the Mercy Committee, the remaining portion of the sentence is hereby remitted.

Accordingly, it is ordered that if the said prisoner is not required to be detained in any other criminal case, he shall be released from prison upon furnishing two sureties and one personal bond of the same amount, to the satisfaction of the Superintendent of Police and District Magistrate,



2026:UHC:218-DB

Prayagraj, for the purpose of maintaining peace and public order during the remaining period of sentence.

(Signed)
Krishna Kumar Singh
Joint Secretary"

7. On perusal of the same, it is seen that the convict therein has been considered on the recommendation of a Committee called the "Mercy Committee".

8. Be that as it may, keeping in view the availability of preferring of a mercy petition, we grant liberty to the petitioner to either make an application for praying for remission or to the Hon'ble Governor, praying for pardon, in view of the supervening circumstances of mental ill health, which *prima facie* is admitted by the authorities also.

9. In that view, with the above observation, reserving liberty as above, petition stands disposed of.

10. Pending applications, if any, stand closed accordingly.

(G. NARENDAR, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 06.01.2026

Rajni