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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010034762025

+ **W.P.(CRL) 313/2025 &CRL.M.A. 2683/2025**

ASHISH KUMAR KAPRI

.....Petitioner

Through: Appearance not given.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr.Alok Sharma and Ms.Pavitra
Dixit, Advs. for Mr.YasirRauf Ansari,
ASC for the State.
Insp. NarshiParsad.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **19.08.2026**

1. The present petition is for the following reliefs:

a. Allow the present petition in favour of the petitioner by passing appropriate orders/ direction as well as issuance of writs in the nature of mandamus or any other applicable writ and/ or directions or order to the respondents thereby allowing premature release of the petitioner; and/or

b. Pass Any other writ, order or direction that this Hon'ble Court may consider fit and proper in the interest of justice.

2. The petitioner stands convicted under Sections U/s 302/201/394/376(2)(G)/34 of the Indian Penal Code, 1860 ('**IPC**') and has been sentenced to undergo death sentence by the Sessions Court, which has



been commuted to rigorous imprisonment for life by this Court. He has been in jail since 23.03.2004 and as on date of filing of the status report I.e., 08.07.2025, the petitioner had served actual custody of 20 years 3 months 12 days and 4 years 11 month 15 days remission. In terms of the Order bearing No. F-18/5/94/Home (Genl) dated 16.07.2004 issued by the Lieutenant Governor of the NCT of Delhi (“**2004 Guidelines**”), the petitioner is eligible for early release.

3. Learned counsel for the petitioner submits that the Impugned Order dated 11.05.2020 is erroneous and unsustainable. It is *de hors* settled principles of law governing the adjudication of a premature release application of the said convict. Learned counsel for the petitioner further contends that the petitioner has been granted parole 8 times and furlough 18 times. The status report would also indicate that the petitioner’s conduct during incarceration has been found to be satisfactory. As per the counsel of the petitioner, the family of the petitioner consists of an old aged father, 21 year-old daughter and a minor son aged about 9 years. There is, it is claimed, no one except the petitioner in the family to take care of the family.

4. Recently, this Court in **Ramesh v. State (NCT of Delhi)** after relying upon a catena of decisions culled out the principles which are to apply while adjudicating upon the application of a convict for premature release. A three-fold criterion was set out by the Court, it being—first, the propensity of a convict to commit an offence again, which is to be adjudicated on the basis of the convict’s jail conduct as well as his antecedents. Baseless and unsubstantiated apprehension of victims or witnesses is not relevant for determining likelihood to commit a crime after release. The assessment is to be made on the basis of convict’s antecedents and conduct while in jail;



second, the purpose which would be served by the continued confinement of the convict in prison, including whether the convict continues to pose a danger to the society; and third, the socio-economic condition of the convict's family arising from his continued incarceration.

5. The Court found the following factors/considerations to be irrelevant for the purposes of adjudicating upon an early/pre-mature release of a given convict—first, gravity of the original offence and the length of the sentence imposed are not by themselves relevant; second, the fact that “wrong” or “negative” message would go out to society is not a relevant factor; and third, a mere opposition by the police authorities to premature release is irrelevant unless it is supported by cogent material. Premature release also cannot be denied on the sole ground that the police have not recommended release.

6. Importantly, the following, *inter alia*, were considered as material/relevant factors to determine the question of early/premature release of a given convict—first, post-conviction conduct of the convict is the principal indicator to assess desirability of premature rule. In the absence of contemporary and cogent evidence to the contrary, sustained good conduct in custody cannot be ignored or discounted; and second, where a convict has transitioned through the incarceration process and has, after due consideration, been moved from regular prison to a semi-open prison and thereafter to an open prison, with a good ‘report card’ through those stages, such progression is a critical factor that ought to imbue any assessment of premature release.

7. In the instant case, the petitioner has contended that the Sentence Review Board (**‘SRB’**) has previously rejected his application for early



release on 11.05.2020, 11.12.2020, 25.06.2021, 31.10.2021, 30.06.2023 and 04.12.2024. The minutes of the SRB dated 30.06.2023 rejecting the petitioner's request for early release reads as under:

“Conclusions:

Report received from Police for premature release of convict and after taking into account all the facts and circumstances of the case that the convict has been booked in a very heinous crime i.e. robbing, raping and murdering an Australian woman, the gravity, perversity and heinousness of the crime and circumstances under which the offence was committed, strong objection by Police etc., the Board unanimously REJECTS premature release of convict Ashish Kumar Kapri S/o Shri Rajender Kapri at this stage.”

8. A perusal of the aforementioned would indicate that premature release has been denied on the grounds that the gravity and heinousness of the crime and a purported adverse effect on the international relations with other countries. Such reasoning is at the teeth of the decision of this Court in **Ramesh** (supra) and resultantly cannot be sustained.

9. Bearing in mind the aforesaid facts and circumstances, the Impugned Order deserves to be set aside and the case of the petitioner deserves to be reconsidered in accordance with the law laid down by this Court in **Ramesh** as well as the observations made hereinabove.

10. Accordingly, the Impugned Order stands set aside, let the petitioner's application for early/premature release be reconsidered in the forthcoming meeting of the SRB. Thereafter, let the decision be communicated to the petitioner without any delay.

11. It is clarified that the decision to be taken by the SRB must be in accordance with the principles laid by this Court in **Ramesh** as well as the observations made hereinabove. Any deviation from it, including providing reasons on irrelevant considerations of the kind detailed above, shall be



taken serious note of.

12. With the aforesaid observations, the petition stands disposed of.

13. If the grievance of the petitioner is not mitigated, he shall be at liberty to file a fresh petition.

14. Let the decision be communicated to the petitioner of the present writ petition.

PURUSHAINdra KUMAR KAURAV, J

AUGUST 19, 2026/P/ksr