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

CNR No. DLHC010372122025

+ **W.P.(CRL) 1877/2025, CRL.M.A. 17611/2025 & CRL.M.A. 17613/2025**

RAHUL @ BUDH PRAKASH

.....Petitioner

Through: **Ms. Vrinda Bhandari with Ms. Vanshita Gupta, Advs.**

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: **Mr. Yasir Rauf Ansari, ASC for the State with Mr. Alok Sharma and Ms. Pavitra Dixit, Advs. SI Anjali Rathi, PS: IP Estate.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **20.08.2026**

1. The petition has been filed for the following reliefs:

- "a. Issue a writ of mandamus and/or any other writ, order or direction for setting aside the Minutes of Meeting of the Sentence Review Board held on 10.12.2024, whereby premature release of the Petitioner was rejected;*
- b. Issue a writ of mandamus and/or any other writ, order or direction for setting aside Order No. F.18/69/2024/ HG/381-82 dated 13.02.2025 passed by the Hon'ble Lt. Governor, Delhi approving the Minutes of Meeting of Sentence Review Board held on 10.12.2024;*
- c. Issue a writ of mandamus and/or any other writ, order, or direction for premature release of the Petitioner forthwith in FIR No. 488/2002 P.S. I.P. Estate Delhi registered u/s 376(2) (g), 354, 364, 367, 506, 324, 201, 411, 292, 34 of Indian Penal Code, 1860 [IPC] Sections 27, 54 and 59 of the Arms Act; and*
- d. Pass such other and further orders/directions, as may be required in the*



interest of justice, and is deemed fit and proper in the facts and circumstances of this case.”

2. The petitioner stands convicted under Sections 392/397/506/376(2)(g)/324/34 of the Indian Penal Code (**‘IPC’**) and Sections 27, 54 and 59 of the Arms Act and has been sentenced to undergo rigorous imprisonment for life. He has been in jail since 24.11.2002 and as on the date of filing of the status report, i.e., 16.01.2026, the petitioner had actually served 21 years 08 months 02 days without remission and 28 years 09 months 01 day with 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 13.02.2025 is erroneous and unsustainable. It is *de hors* settled principles of law governing the adjudication of an early/ premature release application of a given convict. The status report would also indicate that the petitioner’s conduct during incarceration has been found to be satisfactory. He submits that the petitioner herein is entitled for an early release and the fact of him being granted parole 10 times and furlough 22 times ought to be considered in his favour.

4. Recently, this Court in ***Ramesh v. State (NCT of Delhi)***,¹ 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

¹ 2026:DHC:6455.



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 numerous occasions. The material portion the Minutes of Meeting dated 10.12.2024 reads as under:

"Considering the gravity, perversity and heinousness of the crime, convict's having previous criminal history, booked and convicted in other criminal case, possibility of committing crime again cannot be ruled out. It is also felt by the Board that the conduct of the convict in jail is not necessarily a barometer of what he may do if outside prison especially considering his age & thus the same could not be considered a sole factor for recommending the premature release. The Board held that it may not be in the interest of the society at large to release such a convict. Further, it has also been observed that the Hon 'ble Supreme Court of India vide order dated 01.10.2024 vacated the interim relief i.e. exemption from surrender granted to the convict & thereby he had to surrender on 06.10.2024, whereas the convict surrendered on 08.10.2024. The Board after due deliberations unanimously recommended REJECTION of premature release of convict Rahul @ Budh Prakash S/o Sh. Mahesh at this stage."

8. A perusal of the aforementioned would indicate that premature release has been denied on the grounds of gravity, perversity and heinousness of the crime, as also on the ground that the satisfactory jail conduct of the convict has been discounted by the Board on the reasoning that the same "*is not necessarily a barometer*" of his future conduct outside prison and cannot be treated as a "sole factor" for recommending premature release. 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. Importantly, it may also be noted that even the immediate jail conduct of the petitioner has been found to be satisfactory.

11. 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.

12. 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 note serious note of.

13. With the aforesaid observations, the petition stands disposed of. Pending applications also stand disposed of.

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

15. Copy of the order be sent to the Jail Authority.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 19, 2026/P/nk