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

CNR No. DLHC010446982025

+ **W.P.(CRL) 2162/2025**

ASHOK VISHWAKARMA ALIAS SIRJI

.....Petitioner

Through: Ms. Vrinda Bhandari, DHCLSC with
Ms. Nitya Jain, Advs.

versus

STATE NCT OF DELHI & ORS.

.....Respondent

Through: Mr. Alok Sharma and Ms. Pavitra
Dixit, Adv. for Mr. Yasir Rauf
Ansari, ASC for the State.
SI Amandeep, PS: Najafgarh.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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19.08.2026

1. The petition is for the following reliefs:

"a) Issue a writ of certiorari or any other writ, order or direction thereby setting aside Order F .18/69/2024/HG/381-82 dated 13.02.2025 according to minutes of meeting of Sentence Review Board held on 10.12.2024 thereby rejecting the premature release of the Petitioner;

b) Issue writ of mandamus or any other writ, order or direction for premature release of the petitioner forthwith,"

2. The petitioner stands convicted under Sections 302/201/364A/34 of the Indian Penal Code, 1860 ('**IPC**') and has been sentenced to undergo rigorous imprisonment for life. He has been in jail since 21.11.2004 and as on the date of filing of the status report i.e., 20.08.2025, the petitioner had undergone actual custody of approximately 19 years 8 months 27 days and



25 years 3 months approximately including 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, as it is *de hors* the settled principles of law governing the adjudication of an application for early/premature release of a given convict. He thus submits that the petitioner is entitled to early release, particularly in view of the fact that he has been granted parole on 9 occasions and furlough on 22 occasions and has maintained satisfactory conduct during incarceration.

4. Recently, this Court in **Ramesh v. State (NCT of Delhi)**,² after relying upon a catena of decisions, laid down 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, namely—**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 release. 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 considered and rejected his application for early release in its meetings held on 10.12.2024. The material portion of the Impugned Order reads as under:

“Considering the gravity & brutality while committing the crime the Board is of the view that it would not be appropriate

²2026:DHC:6455.



to release such a convict at this stage. Moreover, the conduct of the convict in jail is not necessarily a barometer of what he may do if outside prison & thus the same could not be considered a sole factor for recommending the premature release....The Board after due deliberations unanimously recommended REJECTION of premature release of convict Ashok Vishwakarma @Sirji S/o Sh. Rampati Vishwakarma at this stage.”

8. A perusal of the aforesaid reasons would indicate that the petitioner’s application for premature release has been rejected, inter alia, on the ground of the “*gravity & brutality while committing the crime*” and on the reasoning that the conduct of the convict in jail “*is not necessarily a barometer of what he may do if outside prison*” and, therefore, could not be considered as relevant factors for recommending premature release. Such considerations, in view of the principles laid down by this Court in **Ramesh** (supra), cannot form the basis for denying premature release and, therefore, the reasoning to that extent cannot be sustained.

9. Importantly, it may also be noted that there are no criminal antecedents of the petitioner and even the recent jail conduct of the petitioner has been found to be satisfactory.

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

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 serious note of.

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

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

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 19, 2026/P/ksr