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

+ **W.P.(CRL) 1419/2016 and CRL.M.A. 7346-7347/2016**

N MURALI DHARAN NAIR

..... Petitioner

Through: **Mr. Parikshit Mahipal, Advocate.**

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: **Mr. Rahul Mehra, Standing Counsel
(Crl.) along with Mr. Jamal Akhtar &
Mr. Tushar Sannu Dahiya, Advocates
for GNCTD.**

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

12.07.2016

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This petition has been preferred by the petitioner to seek a writ of mandamus to direct the Sentence Review Board to consider the application of the petitioner for premature release upon remission of the remaining sentence.

The petitioner has been convicted in case arising out of FIR No.102/2001 under Sections 302/ 307 IPC registered at Police Station Naraina. He was sentenced to rigorous imprisonment for life along with fine of Rs.2,000/-, in default of payment whereof to undergo two months imprisonment, on 31.08.2007. His criminal appeal has been dismissed by this Court on 01.04.2009. As per nominal roll as on 10.05.2016, he had undergone 14 years 11 months and 20 days imprisonment and he had earned

3 years and 4 days. Thus, the total period of incarceration comes to 17 years 11 months and 24 days as on 10.05.2016.

Mr. Mehra points out that the petitioner is, in fact, not entitled to premature release in view of the guidelines set out in the order dated 16.07.2014 issued by the Government of National Capital Territory of Delhi which lays down the conditions for premature release of convicts. Mr. Mehra submits that as per the said guidelines in respect of certain categories of convicted persons undergoing life sentence, premature release can be considered after undergoing imprisonment for 20 years including remission. Amongst said category of offences falls “murder of child below 14 years of age”. Mr. Mehra point outs that in the present case, the petitioner has been convicted for murder of his own child below the age of 14 years and, therefore, his application for premature release can be considered only after he has completed 20 years of incarceration.

A perusal of the nominal roll, as aforesaid, shows that the petitioner has not yet completed the period of 20 years of incarceration. Consequently, there is no merit in the present petition. The same is dismissed.

At the same time, the grievance of the petitioner that he was not informed about the fate of his application appears to be justified. The respondent should have, at least, informed the petitioner that he is not eligible for premature release under the guidelines once he made the application.

VIPIN SANGHI, J

JULY 12, 2016

B.S. Rohella