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

Date of decision: 2nd December, 2019

+ W.P.(C) 13455/2018 & CM APPLs. 51227-28/2019

AMIT SAHNI

..... Petitioner

Through Mr. Puneet Mittal, Sr. Adv. with
Mr.A. Gupta, Mr. Amit Sahni, J.S.
Sethi, Mr. Anshul Bajaj and Ms.
Sonali Tiwari, Advs.

versus

GOVT. OF NCT OF DELHI

..... Respondent

Through Mr. Gautam Narayan, ASC with
Ms. Shivani Vij and Ms.Dacchita
Shahi, Advs. for GNCTD

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

02.12.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 13455/2018

1. This Public Interest Litigation has been preferred with the following prayers:

“i) To issue a Writ of Mandamus or any other writ of the like nature thereby issuing appropriate and mandatory direction(s) to the Respondent to implement the aforesaid suggestions made by the petitioner through his representation dated 26-11-2018, in order to ensure fairness and impartiality in the functioning of Sentence Review Board

(SRB) and to avoid extraneous considerations to affect its decision.

ii) Pass any other appropriate order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Learned Senior counsel for the petitioner submitted that there are various suggestions made in para 11 of the writ petition which are essential to ensure fairness and impartiality in the functioning of Sentence Review Board. Learned Senior Counsel for the petitioner further submits that the Sentence Review Board is exercising powers under Section 432 to be read with Section 433 of Cr.P.C. subject to the limitations under Section 433 (A) of the Code of Criminal Procedure to be read with Delhi Prison Rules, 2018 and therefore these suggestions are required to be incorporated in the Delhi Prison Rules, 2018.

3. Having heard learned counsel for both sides and looking to the facts and circumstances of the case, we hereby direct the respondent to look into the suggestions of this petitioner as enumerated in para 11 of the memo of this writ petition. For ready reference, para 11 of the writ petition is reproduced herein below:

“11. That in order to avoid the extraneous considerations to affect the decision of Sentence Review Board (SRB) and for bringing fairness and impartiality in the functioning of SRB, the suggestions of the Petitioner, as suggested in the representation dated 26-11-2018, are as under:-

SUGGESTIONS

i) Cases of Life Convicts should be considered in SRB by giving each convict a number/code (concealing his caste, religion etc), so as to avoid extraneous consideration.

ii) Right to legal representation must be also given to the convict(s), whose cases are placed before the SRB for the purpose of consideration for premature release.

iii) Meetings of SRB must be video-graphed.

iv) Entire material placed before SRB viz police reports, reports from jail, nominal rolls, report from social welfare department and other documents, must be forwarded to the Hon'ble LG for the purpose of taking an independent decision as to whether recommendations of SRB are in pursuance to the material considered by SRB or the same is affected by some extraneous reasons.”

4. We further direct the respondent to keep in mind the illustrations given by the petitioner in para 3 of CM APPL. 51227/2019 (page 308) while considering the suggestions given by the petitioner. The suggestions of the petitioner with regard to functioning of Sentence Review Board (SRB) will be considered by the respondent in accordance with law, rules, regulations and Government policy, applicable to the facts of the case.

5. With these observations, this writ petition is hereby disposed of.

CM APPLs. 51227-28/2019

1. In view of the disposal of the writ petition, these applications also stand disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

DECEMBER 02, 2019

dsn