

AD-04
Ct No.09
03.08.2023
TN

WPA No. 1797 of 2022

Afzal Khan @ Fazo
Vs.
The State of West Bengal and others

Mr. Jayanta Narayan Chatterjee,
Mr. Dyutiman Banerjee,
Ms. Moumita Pandit,
Mr. Supreem Naskar,
Ms. Jayashree Patra

.... for the petitioner

Mr. Anirban Ray,
Mr. T.M. Siddiqui,
Mr. Saptak Sanyal

....for the State

The petitioner is aggrieved by the rejection of the respondent-authorities of the petitioner's request for premature release. It is contended by learned counsel for the petitioner that he is in custody for more than twenty-two years now.

It is contended that on the last occasion, pursuant to a direction of a coordinate Bench of this court, the petitioner's case had been considered but it was rejected again by the respondent-authorities without giving any valid reasons for such rejection.

Learned counsel submits that there is a Guideline of the National Human Rights Commission in place, apart from several judgments of different High Courts and the Supreme Court, which stipulate

the exact criteria which are to be taken into consideration in such cases. It is submitted that those were not adhered to by the respondent-authorities while rejecting the petitioner's request.

Learned counsel appearing for the State files a written instruction, where it is indicated that a further assembly of the State Sentence Review Board (for short "the SSRB") is on the anvil. It is submitted that the petitioner's case is one of those which have been shortlisted for consideration afresh in the said meeting

Since the State takes the stand that the petitioner's case has been shortlisted and shall be placed very soon before the oncoming SSRB meeting, this court is not inclined to prejudice the outcome of such consideration by passing orders either way.

The written instructions filed by learned counsel for the State today be kept on record.

WPA No. 1797 of 2022 is, thus, disposed of by directing the respondent-authorities to convene a fresh meeting of the SSRB at the earliest, positively within one month from date, wherein the other cases, along with the case of the petitioner, for premature release, shall be considered afresh, in accordance with the governing NHRC guidelines and judicial opinion, without being prejudiced in any manner by any of the

observations made in the previous rejection of the same and/or the previous rejection itself.

Liberty is granted to the petitioner to move this court, in the event the petitioner is not satisfied with the decision taken therein.

A copy of the report filed today be handed over to learned counsel for the petitioner by tomorrow (04.08.2023) by the State.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)