

29.08.2024  
Court No.09  
Item no.72  
CP

WPA No. 17019 of 2024

Afzal Khan @ Fazo @ Afjal Khan & anr.  
Vs.  
The State of West Bengal & ors.

Mr. Sanjay Kr. Shaw  
Ms. Lipika Das  
Mr. Kanishk Sinha

... for the Petitioners.

Mr. Sirsanya Bandopadhyay  
Mr. Debopriyo Karan

....for the State.

The petitioner no. 1 was sentenced to life imprisonment. The petitioner No.1 applied for remission of the sentence. The judicial department did not take any steps despite a recommendation by the State Sentence Review Board. Hence, the writ petition has been filed for order of approval and release of the petitioner no. 1 in terms of the recommendation of the State Sentence Review Board dated April 2, 2024.

It is submitted that a coordinate Bench of this court by an order dated April 12, 2024, arrived at the conclusion that the order of His Lordship passed in WPA 1023 of 2024 had been complied with and the State Sentence Review Board had recommended the premature release of the petitioner no. 1. Accordingly, the contempt application was disposed of and His Lordship recorded that further actions in

the process of release was a mere formality to be fulfilled by the Judicial Department, Government of West Bengal. The relevant portion is quoted below:-

“4. Accordingly, C.P.A.N. 458 of 2024 is disposed of by keeping on record the copy of the minutes of the relevant meeting of the SSRB handed over on behalf of alleged contemnors, with the expectation that the petitioner no.1 shall see the light of freedom and be actually and physically released within an outer limit of four weeks from date.”

Such order has not been challenged by the respondents.

A lot of time has lapsed, but the Judicial Department has not taken any steps. This court is of the view that the Judicial Department must take all necessary steps so that the final release order reaches the correctional home authorities within two weeks from date.

The writ petition is disposed of accordingly.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**