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

+ **W.P.(CRL) 2584/2021**

**RAMESH@ DUDHIYA**

.....Petitioner

Through: **Mr. Ravinder Singh & Ms. Raveesha  
Gupta, Advs.**

versus

**STATE OF NCT OF DELHI**

.....Respondent

Through: **Mr. Sanjeev Bhandari, ASC for the  
State with Ms Charu Sharma, Mr,  
Arjit Sharma, Mr. Vaibhav Vats &  
Mr. Nikunj Bindal, Advocates ASI  
Om Prakash Meena PS Sarai Rohilla.**

**CORAM:**

**HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER**

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**17.09.2024**

**CRL.M.A.-27728/2024** (under Section 528 BNSS)

1. This petition has been filed for setting aside order dated 25<sup>th</sup> June 2021 passed by the Sentence Review Board ("SRB") not permitting early release of the petitioner. Petitioner was convicted by judgment dated 30<sup>th</sup> September 2008 in FIR No.289/2006 PS Sarai Rohilla under Sections 302/34 IPC and Section 25 Arms Act.
2. Appeal preferred by the petitioner before this Court being Crl. A. 1041/2008 was partially allowed by this Court, by order dated 25<sup>th</sup> May 2009, whereby he was sentenced RI for 3 years for offence punishable under Section 25 Arms Act, with fine and imprisonment in event of default of payment of fine. As regards conviction for offence punishable under Section 302/34 IPC, appeal stood dismissed.
3. Petitioner challenged the same in SLP before the Supreme Court in



2012 which was dismissed by order dated 24<sup>th</sup> February 2012.

4. In 2021, petitioner filed application before the SRB seeking early release stating that he has undergone 14 years 2 months and 29 days of RI of actual custody and 17 years and 6 months with remission. The SRB order does not mention as to under which policy, petitioner's application was considered and pre-mature release was rejected.

5. Counsel for petitioner contends that petitioner was convicted in 2008 and accordingly, the application ought to have been considered under 2004 policy, which would permit premature release after 14 years of incarceration. This aspect is not disputed by the ASC for State.

6. This petition is accordingly disposed of with directions to the SRB to consider the premature release of petitioner based on the 2004 policy.

7. It is informed that SRB meeting is scheduled for 18<sup>th</sup> September 2024 and petitioner's matter shall be considered in the said meeting, which is on a proximate date. The State shall inform the outcome of the said meeting to the petitioner-accused through Jail Superintendent.

8. Counsel for petitioner submits that while the SRB is considering application of petitioner on 18<sup>th</sup> September 2024, furlough which was granted on 28<sup>th</sup> August 2024, which is expiring on 17<sup>th</sup> September 2024, be extended.

9. The Court has perused the orders which have been appended along with this petition, as also orders presented by the State. In the opinion of this Court, it would be apposite for petitioner not to press for extension of furlough in this petition, considering that this petition basically challenges SRB order, and directions have already been passed by this Court, as noted above.

10. Petitioner seeks liberty to seek extension of the furlough. At this



stage it is informed by the ASC that petitioner has also filed an application in W.P. (Crl.) No.1865/2024 for extension of furlough / parole before a Coordinate Bench of this Court. Needless to state application pending before Coordinate Bench of this Court being Crl. M.A. No.28074/2024 will be decided on its own merits.

11. Pending application, if any, is rendered infructuous
12. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**SEPTEMBER 17, 2024/sm**