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

+ **W.P.(CRL) 3356/2024 & CRL.M.A. 32254/2024,**
CRL.M.A. 32255/2024, CRL.M.A. 32256/2024

PROMILA @ NEENAPetitioner
Through: Mr. Sundeep Srivastava
and Mr. Parin Kumar,
Advs.

versus

STATE NCT OF DELHI & ANR.Respondents
Through: Mr. Rahul Tyagi, ASC for
the State with Mr. Sangeet
Sibou, Mr. Jatin, Mr.
Mathew M. Philip, Ms.
Priya Rai and Mr.
Abhishek Tomar, Advs.
with Insp. Arun Kumar,
PS Prasad Nagar.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **24.10.2024**

1. By the present petition, the petitioner seeks pre-mature release in FIR No. 270/1998, registered at Police Station Prasad Nagar, for offences under Sections 302/34 of the Indian Penal Code, 1860 (**IPC**).
2. The petitioner, *vide* judgment dated 20.11.2000 passed by the learned Additional Sessions Judge, Tis Hazari Courts, Delhi in Sessions Case No. 42 of 1998, was found guilty under Sections 302/34 of the IPC and was sentenced to undergo life imprisonment.
3. The petitioner, on an earlier occasion, had filed a petition before the Hon'ble Apex Court seeking pre-mature release. The SLP was dismissed accepting the apology tendered by the

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petitioner and liberty was granted to file a petition afresh before the High Court.

4. It is pointed out that wrong averments were made before the Hon'ble Apex Court that the petitioner had spent more than 14 years in custody.

5. The learned Additional Standing Counsel for the State submits that as per the Nominal Roll, the petitioner has spent around ten years in custody.

6. The learned counsel for the petitioner submits that in terms of Rule 3.4 of the SRB Guidelines on Premature Release of Prisoners, the pre-mature release of a convict undergoing life imprisonment, can be considered even before the completion of 14 years.

7. The learned Additional Standing Counsel for the State submits that the State does not have any power under Section 433A of the Code of Criminal Procedure, 1973 (CrPC), to consider any convict for pre-mature release before they have served at least 14 years of imprisonment.

8. He submits that in terms of Rule 3.4, the case can be considered before completion of 14 years under the provisions of Article 161 of the Constitution of India, by the appropriate authorities for which the petitioner is at liberty to file an appropriate petition / application.

9. Concededly, till date, no application has been filed by the petitioner seeking pre-mature release.

10. In such circumstances, no directions can be issued directing respondents to release the petitioner pre-maturely.

11. The petitioner is at liberty to file an appropriate application before the concerned Authorities and the same would necessarily



be considered according to the applicable rules.

12. The learned counsel for the petitioner submits that the petitioner is a woman of 65 years of age. He submits that the petitioner is, at the moment, residing with her son and daughter-in-law, who is pregnant and is expecting delivery any time.

13. He submits that the petitioner would be needing some time to settle her household.

14. He further submits that the petitioner was released on furlough in the year 2024, and is entitled for the second spell of furlough as per the Delhi Prison Rules.

15. Considering the aforesaid, the petitioner is permitted to surrender on or before 04.11.2024.

16. It is made clear that the present order is passed in the peculiar facts of the present case and ought not to be treated as a precedent.

17. The petitioner is at liberty to file an application seeking parole / furlough. As and when any such application is filed, the Authorities are expected to decide it expeditiously in terms of the applicable rules and the period henceforth upto the date of surrender would be adjusted from the period of release in furlough/parole that may be granted by the Authorities in future.

18. The present petition is disposed of in the aforesaid terms. Pending application(s) also stand disposed of.

19. A copy of the present order be sent to the concerned Jail Superintendent for necessary compliance.

AMIT MAHAJAN, J

OCTOBER 24, 2024

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