

24.09.2025
Item No.46
Ct. No.550
SB_(gc)

WPA 23022 of 2025

Hamdul Sk. @ Hamidul Sk.
VS.

THE STATE OF WEST BENGAL & ORS.

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Dipanjan Dutt
Mr. Surojit Saha
Mr. Soumadip Ghosh

...For the Petitioner

Mr. Amitabrata Roy, Ld. G. P.
Mr. K. J. Yusuf, Ld. A.G.P.
Mr. Sanjay Mukherjee

...For the State-Respondents

1. Affidavit-of-service filed in court today is taken on record.
2. The State Legal Services Authority has filed this writ petition on behalf of the life convict, namely, Hamdul Sk. @ Hamidul Sk. who was convicted the order of sentence dated 17.3.2009 passed by the learned Judge, Special Court, 2nd Court, Murshidabad in Sessions Trial No. 01(08) of 1991 (arising out of Sessions Sl. No. 11 of 1989) under Section 302 of the I.P.C. and sentencing him to suffer Rigorous Imprisonment for Life for premature release.
3. It is trite to say that National Legal Services Authority has issued Standard Operating Procedure for premature release of the life convicts and the Hon'ble Supreme Court has also directed all the States in India to formulate the policy for premature release, remission of sentences in respect of the life convicts, and the same has been reported in **2025 SCC OnLine SC 349, In Re: Policy Strategy for Grant of Bail.**
4. It is alleged that the said guidelines and directions were not followed by the respondent authorities.

5. Needless to mention that the Hon'ble Supreme Court mandated that the State must consider the prayer for premature release and also consider eligibility of the life convicts without waiting for the convicts' applications. As the allegation that the said guidelines are not followed in accordance with the direction of the Hon'ble Supreme Court passed, I direct the respondent authorities to consider the prayer for premature release of the life convict, namely, Hamdul Sk. @ Hamidul Sk. in accordance with the relevant guidelines of National Legal Services Authority and also in accordance with section 61(2) of the West Bengal Correctional Services Act, 1992, within two months from date and to inform the said decision to the life convict immediately thereafter.
6. This writ petition be treated as prayer for pre-mature release on behalf of the life convict.
7. Let this order be intimated to the life convict through the State Legal Services Authority, West Bengal.
8. With the aforesaid direction, WPA 23022 of 2025 is disposed of.
9. Urgent photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.
10. All parties shall act on the server copy of this order.

(APURBA SINHA RAY, J.)