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01.08.2025
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W.P.A.25040 of 2024
With
CAN 1 of 2025

Mohammad Ali
Versus
The State of West Bengal & Ors.

Mr. Fazlur Rahman
Mr. Md. Babul Hussain.
...for the petitioner.

Mr. K.J. Yusuf
Mr. Balarko Sen.
...for the State-respondents.

Learned advocate appearing for the petitioner has taken out an application for early hearing of writ petition No.WPA 25040 of 2024. Accordingly, the writ petition is taken up for hearing.

Mr. Yusuf, learned advocate, appears on behalf of the State.

I have taken into account the order passed by the Sentence Review Board consisting of Principal Secretary, Home & Hill Affairs Department, Government of West Bengal, Principal Secretary, Judicial Department and ADG/IG of Correctional Services, Government of West Bengal.

It is observed in the report so prepared by the Sentence Review Board that it has taken into consideration the following issues:

- (a) "Crime committed by the convict and its nature;
- (b) Convict's age, period of detention, state of health and potentiality of committing crime in future;
- (c) Whether the convict had attained any educational/ vocational qualification whilst in custody;
- (d) Convict's engagement in socially aimed or productive activity;
- (e) Convict's conduct during incarceration, works done in correctional home, volunteer services offered, special remission, if any;
- (f) Convict's antecedent, familial relationship, social acceptance, prospect of rehabilitation;
- (g) Whether there remains any fruitful purpose of continued incarceration and socio-economic conditions;
- (h) Recommendations of reporting authorities."

So far as the health ground is concerned which has been canvassed by the learned advocate appearing for the writ petitioner, the Sentence Review Board has considered the same and is of the opinion

that the petitioner is 60 years and served 17 years of actual imprisonment. The observation of the Board is further that no active psychopathy is found in the petitioner but continued medication for seizure disorder, COPD and related behavioural symptoms have been observed.

The Board also took into consideration the history ticket which was available of the petitioner and from the records it concluded that there are two other cases in which the petitioner is involved, one being under the NDPS Act (NCN C/No.34 of 1998 under Section 21 of the NDPS Act) and another case being Duttapukur PS Case No.200 of 2013 under Sections 302/201/34 of the Indian Penal Code.

What weighed with the State Sentence Review Board is that since there is a history of commission of heinous offences, it would not be fit and proper to recommend the release of the present petitioner.

Learned advocate appearing for the petitioner has filed a supplementary affidavit and submitted that so far as the cases referred to which has been referred to by the Sentence Review Board, the petitioner is enjoying bail and there is no scope for the trial of the said cases being concluded in near future.

Having considered that the NDPS case was instituted in the year 1998 i.e. 27 years ago and the other case being Duttapukur P.S. Case No.200 of 2013 was instituted in the year 2013, the State Sentence Review Board will take into account whether there is any possibility of the trial of those cases being concluded in near future and as to whether simply pendency of sessions triable offences are sufficient to refuse the prayer for remission which was advanced on behalf of the petitioner.

Let all these issues be considered by the State Sentence Review Board in its next meeting proposed to be held. The outcome of such reconsideration be informed to the petitioner within a reasonable period of time.

With the aforesaid observations, WPA 25040 of 2024 is disposed of.

Pending connected applications, if any, are also disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)