IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (Cr.) No.188 of 2023

Surender Singh Rautella @ Surender Singh Bangali @ Surender Bangali, aged about 68 years, S/o Birender Singh Rautella, R/o village-Kashipur, P.S. + P.O.-Kashipur, District Nainital (Uttarakhand). At present village Yadavpur, P.O. & P.S. Yadavpur, District 24 Pargana (West Bengal).

… Petitioner

Versus

1. The State of Jharkhand
2. The Secretary, Department of Home, Govt. of Jharkhand, Project Building, P.O. & P.S.-Dhurwa, District-Ranchi.
3. The Joint Secretary, Department of Home, Jail and Disaster Management, Govt. of Jharkhand, Project Building, P.O. & P.S.-Dhurwa, District-Ranchi.
4. The Inspector General of Prison, T.A. Division, Government of Jharkhand, P.O. & P.S.-Dhurwa, District-Ranchi.
5. The Superintendent of Jail, Lok Nayak Jai Prakash Narayan Central Jail, Hazaribagh, P.O. & P.S.-Hazaribagh, District-Hazaribagh.
6. The Superintendent of Police, Ranchi, having office at Kutchahery Road, P.O.-Kutchahery, P.S.-Kotwali, District-Ranchi.

… Respondents

For the Petitioner : Mr. Lukesh Kumar, Advocate
For the State : Mr. Manoj Kumar, GA-III
: Mr. Deepankar, AC to GA-III

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This Writ Petition (Cr.) under Article 226 of the Constitution of India has been filed with a prayer for issuance of an appropriate writ (s)/order (s)/direction (s) for quashing the notification bearing notification no.3402 dated 08.09.2021, Annexure-13 of this writ petition whereby and whereunder the Respondent No.3 has rejected the request of the petitioner for premature release by considering that the petitioner is a convict of two separate murder cases, one of Mahesh Pandey and the other of brother of the Mahesh Pandey in two separate occurrences and the prayer has also been made for quashing the notification bearing notification no.2785 dated 22.06.2023 whereby and whereunder the Respondent no.3 has rejected the request of the petitioner for premature release on the same ground that the petitioner has committed the murder of Mahesh Pandey and his brother in two different occurrences.

3. It has been averred in para-6 of the writ petition that the petitioner has been convicted in Sessions Trial Case No.46 of 1989 vide judgment dated 01.06.1999 for committing murder of Mahesh Pandey. It has also been averred that the petitioner has committed double murder in two separate occurrences, one is of Mahesh Pandey and the other is of Dhananjay Singh, but in the impugned notification, it has erroneously been mentioned that the petitioner has also committed the murder of the brother of Mahesh Pandey; instead of mentioning that the petitioner has also committed murder of Dhananjay Singh besides committing the

mother of Mahesh Pandey; though, Dhananjay Singh is not the brother of the Mahesh Pandey.

4. It has further been mentioned in the writ petition that though the petitioner was also accused of having committed murder of the brother of the Mahesh Pandey and charge was framed against the petitioner for having committed the murder of Ashok Pandey who is the brother of Mahesh Pandey and vide Sessions Trial Case No.547 of 1999 the charge was framed on 17.02.2002 against the petitioner of committing murder of Ashok Pandey, but as no witnesses of prosecution was examined till 10.09.2002, the prosecution case was closed without examining any witness and the petitioner was set at liberty in that case. It is then submitted that thus the notification no.3402 dated 08.09.2021 and notification no.2785 dated 22.06.2023 are factually erroneous because the Respondent No.3 was under the impression that the petitioner has committed the murder of brother of Mahesh Pandey as well.

5. Learned counsel for the petitioner submits that the petitioner's actual custody is 24 years, 10 months, 11 days as on 07.03.2025 in connection with Lalpur P.S. Case No.31 of 1996 corresponding to Sessions Trial Case No.09 of 1998. It is next submitted that the custody of the petitioner in the case of Kotwali P.S. Case No.448 of 1988 corresponding to Sessions Trial Case No.46 of 1989 is for 17 years, 4 months, 4 days as on 23.11.2016, hence, it is submitted that the period of custody of 25 years be also considered by the Respondent No.3.

6. Learned counsel appearing for the State vehemently opposes the prayer of the petitioner and relying upon the judgment of Hon'ble Supreme Court of India in the case of **Laxman Naskar vs. Union of India and Others** reported in **(2000) 2 SCC 595**, submits that in para-3 of the said judgment, the Hon'ble Supreme Court of India has reiterated the settled principle of law that the life sentence is nothing less than lifelong imprisonment and by earning remissions, the life convict does not acquire a right to be released prematurely; but if the government has framed any rule or made a scheme for early release of such convicts then those rules or schemes will have to be treated as guidelines for exercising its power under Article 161 of the Constitution of India and if according to the government policy/instructions in force at the relevant time, the life convict has already undergone the sentence for the period mentioned in the policy/instructions, then the only right which a life convict can be said to have acquired, is the right to have his case put up by the prison authorities in time before the authorities concerned for considering exercise of power under Article 161 of the Constitution of India.

7. Learned counsel appearing for the State next submits that as per the present premature release policy of the government, the State Sentence Review Board holds its sitting in every three months and considers the cases. It is next submitted that the undisputed facts remains that the petitioner has committed double murder in two separate occurrences, one of committing murder of Mahesh Pandey and the other of committing murder of Dhananjay Singh in two separate occurrences and thirdly, he is

alleged to have committed the murder of the brother of the Mahesh Pandey also, but in that case because of the prevailing conditions at that time in the year 2002 over a period of 8 months after framing of charge as no witnesses could be examined by the prosecution, hence, the petitioner was set at liberty. It is next submitted that the Respondent No.3 has considered the period of custody undergone by the petitioner, hence, except for the fact that instead of petitioner being convicted in committing murder of brother of Mahesh Pandey, he has been convicted for a second murder and has sentenced a second life imprisonment for committing murder of Dhananjay Singh there is no other error. It is next submitted that the Respondent No.3 undertakes to consider in the next sitting in which the case of premature release of the petitioner is due for consideration, to consider that he has not been convicted for committing the murder of brother of Mahesh Pandey, but he has been convicted for two separate murder cases and he has been sentenced for two separate life imprisonment for committing murder of Mahesh Pandey and Dhananjay Singh and though he was also accused of committing murder of the brother of the Mahesh Pandey, but as the prosecution at that time over a period of 8 months could not produce any witness, the petitioner has been set at liberty in that case and will also consider the period of custody undergone.

8. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, this writ petition is disposed of with the direction to the Respondent No.3 that in

the next sitting of the State Sentence Review Board whenever the case of the petitioner becomes due for consideration, the State Sentence Review Board will consider that the petitioner has been convicted and sentenced in two separate murder cases, one of Mahesh Pandey and the other of Dhananjay Singh and he has separately been sentenced for life imprisonment in two separate cases and though he was also an accused of having committed the murder of the brother of Mahesh Pandey, but because of non-examination of any of the witnesses by the prosecution, he has been set at liberty and the Respondent No.3 shall also take into consideration the period of custody undergone by the petitioner.

9. Accordingly, this W.P. (Cr.), stands disposed of with the aforesaid direction.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 28th of November, 2025
AFR/ Abhiraj

Uploaded on 10/12/2025