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

+ **W.P.(CRL) 1040/2025**

MD. AZAM

.....Petitioner

Through: Mr. Shiv Chopra, Advocate
(DHCLSC) with Mr. Shravan Pandey,
Ms. Surbhi Arora, Advocates

versus

STATE(NCT OF DELHI)

.....Respondent

Through: Mr. Amol Sinha, ASC for the State
with Mr. Kshitiz Garg, Mr. Ashvini
Kumar, Mr. Nitish Dhawan, Ms.
Chavi Lazarus, Ms. Sanskriti
Nimbekar, Advocates along with SI
Harsh Kumar, PS Nabi Karim

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

25.09.2025

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1. The present petition filed under Article 226 of the Constitution of India, assails the minutes of meeting dated 30th August, 2024 and 18th September, 2024 of the Sentence Review Board¹, and the letter dated 04th December, 2024 issued by Lt. Governor of the National Capital Territory of Delhi, whereby the Petitioner's request for premature release was rejected.
2. The Petitioner is a convict serving life imprisonment for conviction under Sections 364-A and 34 of the Indian Penal Code, 1860 in FIR No. 161/2008 registered at P.S. Nabi Karim for the offence of kidnapping a

¹ "SRB/the board"



minor child for ransom. The Trial Court had convicted the Petitioner by judgment dated 03rd March, 2011, and had sentenced him to life imprisonment. In Criminal Appeal No. 699/2011, this Court, by judgment dated 30th October, 2014 dismissed the appeal. The Petitioner's challenge to the said judgment was dismissed by the Supreme Court on 10th February, 2020 refusing to grant special leave to appeal.

3. Upon becoming eligible for premature release as per the policy dated 16th July, 2004, issued by the Government of NCT of Delhi,² the case of the Petitioner was considered and rejected by minutes of meeting held on 30th August, 2024 and 18th September, 2024, which are assailed on the ground that they does not conform to the applicable legal framework, including the 2004 Policy and the Delhi Prison Rules, 2018, and that the rejection is based on insufficient reasoning, without due consideration of relevant reformatory indicators, mechanical, without application of mind. The impugned minutes read as follows:

“ITEM NO. 54

MD. AZAM S/O SH. ABDUL KUDUS— AGE-40 YRS.

Md. Azam S/o Sh. Abdul Kudus is undergoing life imprisonment in case FIR No. 161/2008, U/S 364-A/34 IPC, P.S. Nabi Karim, Delhi for kidnapping of a child for ransom.

Eligibility for consideration of the case:

14 years of actual imprisonment i.e. without remission.

The convict has undergone:

Imprisonment of 15 years, 01 month & 26 days in actual and 18 years, 11 months & 02 days with remission. He has availed Parole 05 times & Furlough 14 times.

This case has been considered under the policy/order dated 16.07.2004 issued by the Govt. of NCT of Delhi i.e. policy that was existing on the date

² “2004 Policy”



of conviction.

Conclusion:

*The Board considered the reports received from Police and Social Welfare Departments and took into account all the facts and circumstances of the case. The convict had kidnapped a 04 years minor child and demanded ransom of Rs. 5 lacs. Considering the manner under which the offence was committed, the gravity of the crime, age of the convict and possibility of committing similar crime again, the Board felt that releasing such a convict would not be appropriate in the interest of the society at large. Thus, the Board after discussion at length unanimously **REJECTS** premature release of convict Md. Azam S/o Sh. Abdul Kudus at this stage.”*

4. The Court has heard the submissions made by the Counsel for the Petitioner and has perused the police report, the Social Investigation Report and the impugned minutes. It is further noted that as per the nominal roll dated 18th August, 2025, the Petitioner has already undergone 15 years 11 months and 04 days of actual incarceration and 20 years and 26 days including remission. The Petitioner has been granted parole and furlough on a total of 21 occasions during his incarceration. His conduct during each of these periods has been satisfactory, with the exception of one instance of late surrender. Additionally, the Petitioner’s behaviour within the prison has been found to be satisfactory, except for the aforementioned late surrender on 29th December, 2024. The nominal roll also reflects that no other criminal cases are pending against the Petitioner. The Social investigation report dated 28th September, 2022 mentions that the Petitioner’s case appears to be fit for positive consideration by the SRB. The Probation Officer has also opined that the Petitioner seems to have lost his potential for committing crime.

5. Despite these positive indicators, the Board has rejected his request citing, the gravity and manner of the offence, the age of the convict,



possibility of committing similar crime again. Additionally, the board assigned no reasons which would reveal application of mind to the merits of the case of the Petitioner.

6. Significantly, the Board's order does not meaningfully engage with the reformative progress of the Petitioner, as documented in the Social Investigation Report and the opinion of the Probation Officer, both of which support a positive consideration of his case. These reports suggest that the Petitioner has shown signs of rehabilitation and may be reintegrated into society as a law-abiding citizen.

7. In ***Santosh Kumar Singh v. State***,³ this Court has recently examined the approach adopted by the SRB in considering cases of premature release. The approach was found lacking in terms of legal compliance, reasoning, and adherence to the reformative framework envisaged under Rule 1244 of the Delhi Prison Rules, 2018. It was, *inter alia*, emphasised that while the gravity of the offence may be a relevant factor, it cannot be the sole or overriding basis for rejection, and that the SRB is required to assess reformation, conduct, and likelihood of reintegration. Further, in the case of ***Rajo v. State of Bihar***,⁴ the Supreme Court had also held that while the nature of the offence and its societal impact are relevant considerations for the SRB, the same cannot be the sole basis for continued incarceration.

8. Upon consideration of the submissions and perusal of the impugned minutes, in light of the legal principles discussed above, this Court is of the view that the reasons recorded in the impugned minutes suffer from the same infirmities as those discussed in ***Santosh Kumar Singh***. The decision

³ 2025:DHC:5138

⁴ 2023 SCC OnLine SC 1068



appears to be founded principally on the nature of the offence, societal impact and the objection by the police, without meaningful consideration of the Petitioner's jail conduct, psychological assessments (if any), or any evidence indicating the absence of reform. For these reasons, the Court finds the SRB's decision to be inadequately reasoned and contrary to the settled principles governing premature release.

9. Accordingly, in view of the above and in light of the judgment of this Court in ***Santosh Kumar Singh***, the impugned SRB minutes dated 30th August, 2024 and 18th September, 2024 are set aside *qua* the Petitioner. The matter is remanded back to the SRB for reconsideration in accordance with law, keeping in mind the principles, and observations made hereinabove, without being influenced by the earlier decision.

10. The SRB shall convene a fresh meeting and pass a reasoned order within a period of eight weeks from the date of this order.

11. The Petition is disposed of in the above terms.

SANJEEV NARULA, J

SEPTEMBER 25, 2025/ab