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

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*Judgment Delivered on: 14.11.2025*

+ W.P.(CRL) 3080/2025

OM PRAKASH

.....Petitioner

Through: Mr. Arhum Sayeed, DHCLSC with  
Mr. Rahil Ahmed, Advocate.

versus

THE GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Amol Sinha, ASC (Crl.) with Mr.  
Kshitiz Garg, Mr. Ashvini Kumar, Mr. Nitish  
Dhawan, Ms. Chavi Lazarus and Ms. Komal  
Chauhan, Advocates for State with SI Gaurav, PS-  
Kalyanpuri.

**CORAM:**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**JUDGMENT**

**VIKAS MAHAJAN, J (ORAL)**

1. The present petition has been filed by the petitioner under Article 226 and 227 of the Constitution of India read with Section 528 of BNSS, 2023 assailing the impugned order dated 04.12.2024 whereby the case of petitioner for pre-mature release was rejected on the basis of the recommendations made by the Sentence Review Board (SRB) in impugned minutes of meeting held on 30.08.2024 and 18.09.2024.
2. Inviting attention of the Court to the impugned order dated 04.12.2024, as well as, the above referred impugned minutes of meeting of



SRB, Mr. Arhum Sayeed, the learned counsel appearing on behalf of the petitioner submits that the said decision as well as the minutes of SRB shows that the impugned decision has been taken in a mere perfunctory manner and various factors which ought to have been considered in terms of the Delhi Jail Manual, 2018 have not been taken into account.

3. He submits that the only ground on which the rejection is premised is that the petitioner has committed heinous crime and further considering the brutality and perversity of the crime, opposition from the police authorities etc., the board formed an opinion that it may not be in the interest of the society at large to release the petitioner. However, the other relevant factors as enumerated in Delhi Prison Rules, 2018 have not been considered. To buttress his submissions, he places reliance on the decision of the Coordinate Bench of this Court in *Santosh Kumar Singh v. State of Govt. of the NCT of Delhi, W.P.(Crl.) 1431/2025* and connected matters.

4. Mr. Amol Sinha, learned Additional Standing Counsel appearing on behalf of respondent State on the other hand submits that SRB is usually held after every three months and the case of petitioner will be considered in the next SRB.

5. Having heard the learned counsel for the petitioner and the learned Standing Counsel for the State, it would be apt to reproduce the minutes of meeting of SRB held on 30.08.2024 and 18.09.2024, basis which the case of the petitioner for premature release has been rejected vide impugned order dated 04.12.2024, which reads thus:

“Minutes of SRB Meeting held on 30<sup>th</sup> Aug, 2024 & 18<sup>th</sup> Sep, 2024

**CASES COVERED UNDER STATE OF HARYANA Vs.**



**JAGDISH**

**(ITEM Nos. 191 To 193)**

**ITEM No. 191**

**OM PRAKASH S/O SH. KHACHERU — AGE-73 YRS.**

*Om Prakash S/o Sh. Khacheru is undergoing life imprisonment in case FIR No. 426/1984, U/S 302/147/188 IPC, P.S. Kalyan Puri, Delhi for the crime committed during Sikh riots post assassination of Smt. Indira Gandhi in 1984.*

**Eligibility for consideration of the case:**

*14 years of actual imprisonment i.e. without remission in reference to order/judgment dated 22.03.2010 titled “The State of Haryana and Ors. Vs Jagdish vide SCC 216/2010” (remission policy that was existing on the date of conviction in which no category was introduced).*

**The convict has undergone:**

*Imprisonment of 14 years, 10 months **in actual** and 18 years, 06 months & 08 days **with remission**. He has availed I. Bail 04 times, Parole 06 times and Furlough 09 times.*

**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 committed a heinous crime during sikh riots post assassination of Smt. Indira Gandhi in 1984. Considering the brutality and perversity of the crime, opposed by Police authorities etc., the Board is of the view that it may not be in the interest of the society at large to release such a convict who was involved in massacre done in 1984. The Board after discussion at length unanimously **REJECTS** premature release of convict Om Prakash S/o Sh. Khacheru at this stage.”*



6. To be noted, that the Rule 1251 of the Delhi Prison Rules, 2018 provides that SRB has the discretion to recommend to release a convict, at an appropriate time in all cases considering the circumstances in which the crime was committed and other relevant factors like:

- a) Whether the convict has lost his potential for committing crime considering his overall conduct in jail during the 14 year incarceration.
- b) The possibility of reclaiming the convict as a useful member of the society; and
- c) Socio-economic condition of the Convict's family.

7. At this stage, reference can also be profitably be made to the decision in *Santosh Kumar Singh* (supra), wherein the Coordinate Bench of this Court relying upon various decision of the Hon'ble Supreme Court as well as the decision of the coordinate benches of this Court observed that the reasons for grant or refusal of remission should be clearly delineated. It was further observed that only right of convict is to be considered in accordance with the governing policy and legal framework. However, this consideration cannot be reduced merely to mechanical refusal. The decision must reflect how inputs, reports and relevant factors were considered by the Board, which aspect is missing in the present case.

8. A perusal of the minutes of meeting of SRB held on 30.08.2024 and 18.09.2024, as well as the impugned order dated 04.12.2024 shows that there is no discussion on the aspects viz., (i) whether the convict has lost his potential for committing crime considering his overall conduct in jail during



the 14 year incarceration, (ii) the possibility of reclaiming the convict as a useful member of the society, and (iii) the socio-economic condition of the Convict's family. Further, the impugned order/minutes do not disclose a meaningful application of mind, nor does it reflect reason/analysis of thereformative efforts made by the petitioner. It is settled law that if the administrative power has been exercised on the non-consideration or non-application of mind to the relevant factors, the exercise of power will be regarded manifestly erroneous.<sup>1</sup> Consequently, the impugned order as well as the decision taken by the SRB cannot be sustained.

9. Accordingly, impugned order as well as the impugned minutes are quashed and set aside with a direction to the SRB to consider petitioner's case afresh in accordance with law as well as in light of the observations made herein above and in *Santosh Kumar Singh* (supra), within a period of three months, and the decision taken by the SRB shall be communicated to petitioner within two weeks thereafter.

10. Petition stands disposed of.

**VIKAS MAHAJAN, J**

**NOVEMBER 14, 2025/jg**

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<sup>1</sup> *Madhya Pradesh Special Police Establishment vs State of Madhya Pradesh*; AIR 2005 SC 325