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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 72/2025 and CRL.M.A. 633/2025**

ROHAN CHAUHAN

.....Petitioner

Through: Mr.Utkarsh Singh and Ms.Madhu
Rani, Advocates

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr.Sanjeev Bhandari, ASC for State

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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19.08.2025

1. Petitioner herein seeks issuance of a writ in the nature of Mandamus directing the respondent to grant pre-mature release in criminal case arising out of FIR No. 165/2011 for the alleged offences under Sections 302/34 of IPC & Section 27 of the Arms Act, registered at Police Station Vasant Vihar under Clause 3.4 of the policy dated 16.07.2004 on the ground of terminal illness.
2. Petitioner was convicted by the learned ASJ, Rohini Courts, Delhi, in the above FIR *vide* judgment dated 13.07.2017, and sentenced to undergo life imprisonment with fine of Rs.5,000/-.
3. Heard and perused the case file.
4. The learned counsel for the petitioner would argue that the petitioner is suffering from Pott's Spine Disease and is impaired below the waist column of the spine and is unable to carry out basic lifestyle without help inside the jail such as moving, bowel movement, bladder movement, with



negligible muscle powers and even requires needs assistance of 3-4 persons with bilateral knee immobilizer, left static AFO (ankle foot orthosis) and walker just to stand up.

4.1 He would further argue that Clause 3.4 of the policy dated 16.7.2004 qualifies the petitioner to be prematurely released on account of his terminal illness.

4.2 Further, the petitioner has even undergone about 11 years in custody.

5. At the very outset, learned ASC would submit as per status report dated 26.05.2025 that the petitioner does not require a surgery. He has been advised physiotherapy for his lower limbs. He further states that the matter shall now be placed before the forthcoming Board meeting, wherein an appropriate decision shall be taken in accordance with law.

6. Moreover, on the perusal of the policy dated 16.07.2004, it transpires that the Sentence Review Board is the competent authority responsible for granting premature release.

7. In view of the aforesaid, no further proceedings before this Court are warranted. However, in the parting, I may hasten to add that it is expected of the competent authority to pass a speaking order, in the event it is not inclined to accept the petitioner's request, so as to enable him to pursue such remedies as may be available to him in accordance with law.

8. Furthermore, it is expected that the Jail Superintendent shall take appropriate steps to ensure that the petitioner's case is placed expeditiously before the forthcoming meeting of the Sentence Review Board, so that a decision, as indicated above, may be taken.

9. The petition is disposed of accordingly.

10. Petitioner is currently stated to be on furlough and by virtue of interim



order, the period of furlough was extended. Keeping in view his medical condition, as noted above, his furlough is extended by one week starting today, and he is directed to surrender accordingly. Learned ASC to verbally convey the instant order to the Jail Superintendent and likewise, learned counsel shall convey it to the petitioner for its compliance, as above, to ensure that petitioner surrenders on time.

ARUN MONGA, J

AUGUST 19, 2025/SV