

23.03.2026
Court No.25
D/L No.15
S. Gayen

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 24083 of 2025

**Majeda Bibi
Versus
The State of West Bengal & Ors.**

Mr. Jayanta Narayan Chatterjee, Sr. Adv.
Mr. Supreem Naskar
Ms. Jayashree Patra
Ms. Pritha Sinha

...for the Petitioner

Ms. Sipra Mazumdar
Ms. Prativa Ghatak

...for the State

1. The petitioner has filed the present writ application praying for setting aside the rejection of the prayer for premature release of the son of the petitioner vide Memo No. 619/RB dated 14th September, 2022 by the State Sentence Review Board.
2. The son of the petitioner namely, Sk. Mujibar Rahaman was convicted by the learned 12th Bench of City Sessions Court at Calcutta in Sessions Trial No. 51 of 2003 and Sessions Trial No. 1/2023 for the offence under Sections 302/354/34 of the Indian Trial Court and sentenced to suffer imprisonment for life and also to pay ten thousand, in default, to suffer further imprisonment for another one year for offence under Sections 302/34 of Indian Penal Code and also convicted and sentenced to suffer simple imprisonment

for six months for the offence under Sections 354/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the son of the petitioner is in correctional home for the last 22 years six months. The request of the son of the petitioner for premature release was rejected by the SSRB, on the following ground on 14th September, 2022.

“An act of a group – being a member of a disciplined force, they committed crime against woman following which committed a heinous murder – affected the society a large – chances of future recurrence of committing crime cannot be ruled out – he is strong enough to commit a crime – the convict expressed his willingness to go to his native village and to re-start the rice selling business of his father – the wife of the victim has strong objection on the proposal of premature release. Kolkata police authorities raised strong objection against release. Considering the above fact and circumstances, premature release is not recommended.”

4. Being aggrieved with the said rejection, the petitioner has preferred the present writ application.
5. During the pendency of the writ application, the 75th meeting of the State Sentence Review Board was held on 11th December, 2025 and again the request of the son of the petitioner for premature release was taken into consideration by the SSRB and recommended

for premature release of the petitioner which reads as follows:-

*“(14) Sl. No. 33 (PID. 244205) Sk. Mujibar Rahaman (48) S/o Sk. Keramat Ali, serving life imprisonment at Lalgola Open Correctional Home having been convicted on 01.07.2004 by Ld. Addl. District & Sessions Judge, 12th Court, Calcutta, in c/w ST No. 1 of May 2003, u/s-354/302/34 of IPC has already undergone more than 22 years of actual imprisonment. His co-accused in this case has been extended benefit of premature release. Considering his conduct and prospect of rehabilitation, premature release is **recommended** by the Board.”*

6. Learned counsel appearing for the State submits that on 75th meeting, the State Sentence Review Committee has recommended the request of the petitioner for premature release of the son of the petitioner but the State has not taken any decision till date.
7. The petitioner has relied upon the NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022 and submits that as per the Clause 3.2.5, the recommending authority shall forward its recommendation to the appropriate government in all cases forwarded to it by the State prison department within 10 days from the day on which the meeting is conducted and as per Clause 4.1.1, the appropriate government shall make its decision on all cases

recommended by the recommending authority within one month of receiving the recommendation.

8. Learned counsel for the State submits that the report with respect to the 75th meeting of the State Sentence Review Board has been forwarded to the Principal Secretary, Judicial Department, Government of West Bengal and the Convenor, State Sentence Review Board, West Bengal on 20th February, 2026 but till date no action has been taken. She further submits that again on 11th March, 2026, the Director General of Correctional Services, West Bengal sent a reminder to the Principal Secretary for consideration of the recommendation of the petitioner but no final decision has been taken.
9. Learned counsel for the petitioner has also relied upon the judgment in the case of ***Policy Strategy for Grant of Bail*** with ***Special Leave Petition (Crl.) No. 529 of 2021*** dated 18th February, 2025 wherein, the Hon'ble Supreme Court has passed the following order:-

“21) We, therefore, record the following conclusions:

a) Where there is a policy of the appropriate Government laying down guidelines for consideration of the grant of premature release under Section 432 of the CrPC or Section 473 of the BNSS, it is the obligation of the appropriate Government to consider cases of all convicts for grant of premature release as and when they become eligible for consideration in terms of the policy. In such a case, it is not necessary for the convict or his

relatives to make a specific application for grant of permanent remission. When the jail manual or any other departmental instruction issued by the appropriate Government contains such policy guidelines, the aforesaid direction will apply;

b) We direct those States and Union Territories that do not have a policy dealing with the grant of remission in terms of Section 432 of the CrPC or Section 473 of the BNSS to formulate a policy within two months from today;

c) Appropriate Government has the power to incorporate suitable conditions in an order granting permanent remission. Consideration of various factors, which are mentioned in the paragraph 13 above by way of illustration, is necessary before finalizing the conditions. The conditions must aim at ensuring that the criminal tendencies, if any, of the convict remain in check and that the convict rehabilitates himself in the society. The conditions should not be so oppressive or stringent that the convict is not able to take advantage of the order granting permanent remission. The conditions cannot be vague and should be capable of being performed;

d) Order granting or refusing the relief of permanent remission must contain brief reasons. The order containing reasons should be immediately communicated to the convict through the office of the concerned prison. The copies thereof should be forwarded to the Secretaries of the concerned District Legal Services Authorities. It is the duty of the prison authorities to inform the convict that he has the right to challenge the order of rejection of the prayer for the grant of remission.

e) As held in the case of Mafabhai Motibhai Sagar⁴, an order granting permanent remission cannot be withdrawn or cancelled without giving an opportunity of being heard to the convict. An order of cancellation of permanent remission must contain brief reasons;

f) The District Legal Services Authorities shall endeavour to implement NALSA SOP in its true letter and spirit.

g) Further, the District Legal Services Authorities shall also monitor implementation of conclusion (a) as recorded above. For this purpose, the District Legal Services Authorities shall maintain the relevant date of the convicts and as and when they become eligible to a consideration for grant of premature release, they shall do the needful in terms of conclusion (a). The State Legal Services Authorities shall endeavour to create a portal on which the data as aforesaid can be uploaded on real time basis.”

10. Considering the above, this Court finds that the State Sentence Review Board has recommended the case for premature release of the son of the petitioner and was forwarded to the State Government but the State Government has not taken any decision and one month has also been passed.

11. In view of the above, the respondent Nos. 1 and 2 are directed to consider the recommendation made by the State Sentence Review Board by its 75th meeting dated 11th December, 2025 with regard to premature release of the son of the petitioner in compliance with the NALSA Standard Operating Procedures on the Process of Premature Release, Parole and Furlough of Prisoners, 2022 and the order passed by the Hon’ble Supreme Court in the case of ***Policy Strategy for Grant of Bail*** (supra) and to take a decision within a period of four weeks from receipt the copy of this order

and to communicate the same to the petitioner within a week thereafter.

12. WPA 24083 2025 is disposed of.

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

14. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)