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

+ **W.P.(CRL) 1557/2026 & CRL.M.A. 16546/2026**

SUNIL NAYAK @FUNDI

.....Petitioner

Through: Mr. Zeeshan Diwan & Mr. Krishna
Datta Multani, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC with
Mr. Arjit Singh & Ms. Sakshi Jha,
Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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21.05.2026

CRL.M.A. 16546/2026 (for interim relief) & W.P.(CRL) 1557/2026

1. The petitioner was convicted for offences under Sections 302 and 34 of the Indian Penal Code, 1860 ["IPC"], *vide* judgment of the Trial Court dated 30.09.2008 in proceedings arising out of FIR No. 289/2006 registered under Sections 302/34 of IPC at Police Station Sarai Rohilla. By a subsequent order dated 10.10.2008, he was sentenced to undergo imprisonment for life. The said judgment of conviction and order on sentence were affirmed by this Court *vide* judgment dated 25.05.2009 in CRL.A. 957/2008. Thereafter, the SLP (CRL) No. 6614/2014 preferred before the Supreme Court was also dismissed on 22.08.2014.
2. The petitioner has served approximately 15 years, 9 months, 3 days in custody, and earned remission of 3 years, 8 months, 12 days.



3. By way of the captioned writ petition, the petitioner has assailed the minutes of the meeting of Sentence Review Board [“SRB”] dated 14.01.2026, whereby his case for premature release was considered and rejected.

4. By order dated 14.05.2026, notice was issued in the present petition, and the matter was directed to be listed on 07.07.2026.

5. By way of CRL.M.A. 16546/2026, the petitioner seeks a direction that the pendency of the present writ petition shall not operate as a bar to reconsideration of his case by SRB in the interregnum.

6. After hearing learned counsel for the parties and with their consent, the captioned petition itself is taken up for hearing.

7. It is brought to the notice of this Court that, in the impugned minutes of the SRB, the Board had, *inter alia*, relied upon the pendency of proceedings against the petitioner arising out of FIR No. 509/2020 registered at Police Station Bharat Nagar, under Sections 24/25/29 of the Arms Act, 1959. It is submitted by Mr. Zeeshan Diwan, learned counsel for the petitioner, that the petitioner has since been acquitted in the aforesaid proceedings *vide* judgment dated 17.01.2026 passed by the learned Trial Court in Criminal Case No. 3745/2020. A copy of the said judgment has been handed over in Court and is taken on record. It is contended that this subsequent development constitutes a material change in circumstances and warrants reconsideration of the petitioner’s case by the SRB.

8. In view of this subsequent development, Mr. Sanjeev Bhandari, learned Additional Standing Counsel for the State, submits that the SRB shall reconsider the petitioner’s case for premature release.



9. Mr. Diwan further submits that the impugned minutes also take into consideration six jail punishments allegedly awarded to the petitioner, as well as the petitioner's re-arrest in FIR No. 509/2020, in which he now stands acquitted. It is further submitted that the some of the punishment tickets are in fact only warnings, one of them pertains to an incident dated 24.12.2014, which is more than eleven years old, and three punishment tickets had been set aside by this Court and remanded for reconsideration.

10. Mr. Diwan also submits that the only other ground reflected in the impugned minutes pertains to the petitioner's prior conviction in FIR No. 106/2013 registered at Police Station Crime Branch, under Sections 186/353/307 of IPC and Section 25 of the Arms Act, 1959. It is submitted that the petitioner has already undergone the sentence imposed in the said case and, therefore, the said conviction ought not to be relied upon at this stage to deny premature release.

11. The aforesaid aspects have also been specifically raised in the writ petition. Accordingly, since the matter is being remanded to the SRB for reconsideration on account of subsequent developments, it is directed that the petitioner's contentions with regard to the relevance and consideration of the aforesaid punishments tickets, as well as the prior conviction referred to above, shall also be taken into account by the SRB, at the time of reconsideration.

12. Mr. Bhandari submits that, in accordance with the applicable rules, the SRB ordinarily meets once every three months and that the next meeting is likely to be convened within a period of three weeks.

13. In view of the aforesaid, it is directed that the petitioner's case be



placed before the SRB for reconsideration in its next meeting, so as to enable the SRB to take a comprehensive decision in accordance with law.

14. The present petition alongwith the pending application, stands disposed of in the above terms, with liberty to the petitioner to avail his remedies, in accordance with law, if the necessity arises.

MAY 21, 2026
'pv'/SD/

PRATEEK JALAN, J