



Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO. 94 OF 2026 (F)

Mr. Rohan P. Pai Dhungat, aged 38 years,
 Indian National, son of Dr Pradeep R. Pai
 Dhungat, resident of F-2, 4th Floor, Building
 No.3, Models Status, Caranzalem, Panaji-Goa,
 through his next friend, Dr Pradeep R. Pai
 Dhungat, major of age, Indian National, ... Petitioner
 resident of F-2, 4th Floor, Building No.3,
 Models Status, Caranzalem, Panaji-Goa

V e r s u s

1. The State of Goa, Through Chief Secretary,
 Government of Goa, Secretariat, Porvorim,
 Bardez, Goa.
2. Inspector General of Prisons, Old Education
 Building, 1st Floor, 18th June Road, Panaji,
 Goa. ... Respondents

Mr. Nigel Fernandes, Advocate for the Petitioner.

Mr. Pravin Faldessai, Additional Public Prosecutor, for the
 Respondent Nos. 1 and 2.

**CORAM : DR. NEELA GOKHALE &
 AMIT S. JAMSANDEKAR, JJ.**

RESERVED ON : 13th July 2026
PRONOUNCED ON : 6th August 2026

JUDGMENT (*Per Dr. Neela Gokhale, J.*)

For the convenience of the exposition, this judgment is divided into the following parts: -

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1. The Petitioner, currently serving a life imprisonment sentence for a crime committed in 2006 punishable under Sections 201, 302, 364-A read with Section 120–B of the Indian Penal Code, 1860 (**‘IPC’**) and Section 8 of the Goa Children’s Act, 2003 (**‘Children’s Act’**), is seeking appropriate direction to the State Government to accept the recommendation of the State Sentence Review Board (**‘SSRB’**) and release him prematurely. The Petitioner has undergone over 14 years of actual imprisonment and served almost 20 years as of the date of this order.

2. The Respondent No.1 is the State of Goa, and the Respondent No. 2 is the Inspector General of Prisons. The SSRB has recommended the Petitioner's premature release. However, the Respondent No. 1, by its letter dated 18th December 2025, has refused to accept the recommendations on the basis of the opinion of the convicting Court dated 6th August 2025. The Petitioner thus assails the letter dated 18th December 2025 issued by the Respondent No. 1 and the letter dated 6th August 2025 comprising the opinion of the President of the Children’s Court for the State of Goa, which was the convicting Court.

I. FACTS AND BACKGROUND:

3. There are four accused in all. The Petitioner is the Accused No. 1. All of them were students of a law college. The Petitioner, along with the co-accused, hatched a conspiracy to kidnap Mandar Surlakar and

extort ransom from his father. In furtherance of the conspiracy, on 10th August 2006, the Petitioner and co-accused procured ropes, syringes, medical white tape, two baseball bats, gloves, and car number plates. They abducted Mandar on 14th August 2006. The Petitioner and co-accused assaulted Mandar, tied him with ropes and forced him to record a message asking his father to pay the ransom without reporting to the police. They demanded Rs 50 lakhs from his father, who then reported the matter to the Vasco Police. On being summoned, Accused Nos. 1 and 2 stated that they had accompanied Mandar only up to a café at Miramar, from where he was picked up by a silver-coloured Accent car. On 15th August 2006, Mandar's dead body was discovered near Ponda; the post-mortem confirmed homicidal death, caused by strangulation and assault on the head with baseball bats. Investigation revealed the involvement of Accused Nos. 3 and 4 and one Saleha Beig, who later turned approver and disclosed the details of the conspiracy and its execution.

4. The Petitioner and co-accused were arrested on 16th August 2006 in connection with the case and remained in custody till the trial Court convicted them for offences punishable under Sections 120-B, 364-A, 302, and 201 of the IPC, and Section 8 of the Goa Children's Act, 2003 by Judgment and Order dated 23rd June 2014 passed in Special Case No. 28/2006, by the Children's Court, Panaji-Goa. The Petitioner and co-accused were sentenced to life imprisonment and a fine for offences

under Sections 302 and 364-A, read with Section 120-B of the IPC, and Section 8 of the Goa Children's Act, 2003; and to five years' imprisonment for an offence under Section 201 read with Section 120-B of the IPC.

5. The Petitioner appealed the Judgment and Order dated 23rd June 2014 passed by the Children's Court before this Court in Criminal Appeal No. 51/2014. By Judgment and Order dated 4th March 2019, this Court dismissed the appeal and confirmed the conviction and sentence. However, while dismissing the appeals, this Court observed that reformation is the legitimate goal of prison sentencing and declined the prosecution's request to direct that the convicts undergo imprisonment for the remainder of their natural lives without remission. This Court left it to the appropriate authority to consider the convicts' cases for remission upon completion of the statutory minimum sentence under Section 433-A of the Code of Criminal Procedure, 1973 ('CrPC').

6. In 2018, the Petitioner filed a mercy petition before the Governor of Goa. The convicting Court's opinion was sought, and, by letter dated 23rd August 2019, it recommended consideration of the Petitioner's case detailing mitigating circumstances relating to the Petitioner. However, in 2020, the Governor rejected the mercy petition. The SSRB, in its meeting held on 18th September 2020, recommended

the Petitioner's case for premature release from prison. Thereafter, the Respondent No. 1 sought the opinion of the convicting Court. The convicting Court, by its letter dated 5th March 2021, opined not to recommend premature release of the Petitioner considering that the nature of the crime was heinous; the plight of the deceased victim's parents; the apprehension of the Superintendent of Police (North Goa) about the possibility of the Petitioner threatening the prosecution's witnesses; and apprehension of him committing another crime.

7. On the basis of the said opinion, Respondent No. 1, by its letter dated 10th May 2021, rejected the Petitioner's case for premature release.

8. The Petitioner challenged the rejection before this Court by filing Criminal Writ Petition No. 466/2021. By Judgment and Order dated 3rd August 2022, this Court dismissed the petition, holding that the Petitioner and co-accused had not completed the mandatory minimum actual imprisonment of 14 years. This Court also directed that as and when the Petitioner completes the mandatory minimum actual imprisonment of 14 years, his case can be considered by the appropriate authorities in terms of the applicable Rules.

9. The Petitioner completed 14 years of actual imprisonment, excluding the period of parole and furlough. The SSRB thus considered

his case for premature release and, on 21st May 2025, recommended it. The SSRB based its recommendation on a favourable report from the Institute of Psychiatry and Human Behaviour ('**IPHB**') and the recommendations of the District Magistrate, the Probation Officer, Superintendent of the Central Jail and the Inspector General of Prisons.

10. On 8th July 2025, on the basis of the SSRB's recommendation, Respondent No. 1, once again, sought an opinion from the convicting Court. The convicting Court, by its letter dated 6th August 2025, opined that the remission cannot be recommended considering the nature of the crime to be heinous and pre-planned and the plight of the victim's parents to have lost their son to the Petitioner's crime.

11. Based on the convicting Court's opinion, the Respondent No. 1, by its order dated 20th August 2025, rejected the Petitioner's case for premature release. The Petitioner challenged the said decision before this Court in Criminal Writ Petition No. 1158/2025(F). By Judgment and Order dated 27th November 2025, this Court set aside the Order dated 20th August 2025 and directed the Government to reconsider its decision. This Court also advised the State Government not to base its decision solely on the opinion of the convicting Court.

12. Thereafter, it appears that the Respondent No. 1 reconsidered the Petitioner's case for premature release pursuant to this Court's

orders. However, the same was again rejected by a letter dated 18th December 2025. It is this decision which the Petitioner impugns in the present petition. The Petitioner has also assailed the convicting Court's opinion dated 6th August 2025.

13. The victim's father has also filed Criminal Writ Petition No. 644 of 2026 (F), assailing the SSRB's recommendation dated 21st May 2025 for the premature release of the Petitioner and co-accused. Although Respondent No. 1 did not accept the recommendations, we permitted Mr Deepak Gaonkar, learned counsel appearing for the victim's father, to make his submissions during the hearing of the present petition. We have considered the Writ Petition of the victim's father separately.

II. CONTENTIONS OF THE PARTIES:

A. Submission on behalf of the Petitioner:

14. Mr Nigel Fernandes, learned Counsel appearing for the Petitioner, pointed out at the outset that the Goa Prison Rules, 2006 ('**Rules**') prevailing on the date of conviction apply to the Petitioner's case. Attention was drawn to Rules 397 to 404 of the applicable Rules. Mr Fernandes submitted that the impugned decision is arbitrary and mechanical, being premised solely on the seriousness of the crime and failing to take into account abundant facts and circumstances, including sufficient material on record to demonstrate that the Petitioner is completely reformed. The convicting Court failed to take

into account the SSRB's recommendation and was bound to consider the material the SSRB relied upon, indicating that the Petitioner has completely reformed. According to Mr Fernandes, the convicting Court proceeded on the sole basis of the nature of the offence and the plight of the victim's parents. There was no subjective appraisal of the Petitioner's case on relevant predicates, including, but not limited to, the aspect of reformation and the Petitioner's ability to reintegrate into society. Mr Fernandes argued that the Petitioner has completed the required 14 years of actual imprisonment and a total imprisonment of 20 years.

15. Lastly, Mr Fernandes pointed to the material produced before the SSRB on the basis of which the Board found the Petitioner to be reformed and ready for assimilation into society. He thus prayed for the Petitioner's premature release.

16. To supplement his submissions, Mr Fernandes placed reliance on:

(i) Sharafat Ali v. State of U. P. and anr.¹

(ii) Sangeet v. State of Haryana²

(iii) Ram Chander v. State of Chhattisgarh and anr.³

(iv) Ravi Patil v. State of Goa⁴

¹ (2022) 13 SCC 186.

² 2013 ALL SCR 534.

³ (2022) 12 SCC 52.

⁴ 2020 SCC OnLine Bom 3082.

***(v) V. V. Mohan v. State of Goa and ors.*⁵**

***(vi) Dilip S. Shetye v. State Sentence Review Board and ors.*⁶**

***(vii) Rohit Chaturvedi v. State of Uttarakhand and ors.*⁷**

***(viii) Jagjeet Singh v. Ashish Mishra and anr.*⁸**

B. Submissions on behalf of the Respondent No. 1:

17. Mr Pravin Faldessai, learned Additional Public Prosecutor, representing the State, submitted that the Petitioner cannot claim a fundamental right to be released on remission and the prayer is not maintainable. He submitted that the grant of remission is solely at the executive's discretion and an act of mercy, granted on account of good behaviour and term of imprisonment. It is not an indefeasible right; rather, the convict has only a right to be considered for remission, as he has been in the present case. He submitted that the nature of the crime was heinous and the victim's family was totally shattered. They were robbed of their young son's life, and the case shocked the collective conscience of society. Mr Faldessai thus submitted that these factors, which no doubt weighed on the sentencing Court, must also weigh on the State Authority granting remission to guide its exercise of discretion.

5 2022 (2) Bom. C. R. (Cri) 72.

6 (2021) 1 AIR Bom R 298.

7 2026 SCC OnLine SC 865.

8 (2022) 9 SCC 321.

C. Submissions on behalf of the victim's father:

18. Mr Gaonkar submitted that the SSRB's decision smacks of arbitrariness, perversity, and illegality. The SSRB failed to take into account the report of the Superintendent of Police (North Goa) that the grant of early release is not in the interest of justice or public safety. Rule 402 of the Goa Prison Rules makes it incumbent on the Board to consider the opinion of the Superintendent of Police and the District Magistrate. He argued that most pertinently, the SSRB failed to consider the victim's family's objections and their plight of having lost their son at such a young age. The SSRB has totally overlooked that the Petitioner and the co-accused murdered their son, exhibiting extraordinary depravity, cruelty, and complete lack of humanity and compassion. He submitted that perpetrators of such brutal and gruesome homicide must not be allowed in society on the sole criterion of being reformed. He pointed out that there is no positive report from the IPHB regarding whether the Petitioner has lost the potentiality of committing a crime in future. In fact, there is no material to demonstrate that the Petitioner and co-accused have lost the potentiality of committing a crime in future. Mr. Gaonkar thus urged the Court to quash the SSRB's recommendations.

III. ANALYSIS:

A. Applicable Statutory provisions and Rules, etc.:

19. In exercise of the powers conferred by Section 59 of the Prisons Act, 1894 (IX of 1894) as in force in the State of Goa, and all other powers enabling it in this behalf, the Government of Goa enacted the Goa Prison Rules, 2006. These Rules are applicable to the Petitioner and co-accused, as they were prevalent at the time of their conviction and sentencing. Rules 397 to 404 of said Rules⁹ relate to the review of

- ⁹ Rules : Rule 397. *Constitution of State Sentence Review Board.*— (1) The Government shall constitute a State Sentence Review Board for reviewing from time to time and addressing how far a sentence has a salutary and reformatory influence with reference to the record of a prisoner. The said Board shall consist of:— (i) Secretary to the Government, Prisons Department— Chairman. (ii) Secretary to the Government, Law Department— Member. (iii) A senior police officer nominated by the Director General of Police of the State— Member. (iv) A senior prison officer nominated by the Chief Secretary to the Government— Member. (v) Chief Probation Officer— Member. (vi) Inspector General— Member. (vii) Additional Inspector General— Member Secretary. (2) The State Sentence Review Board shall review the sentences of imprisonment (including imprisonment imposed by a court in default of payment of fine) awarded to prisoners for recommending premature release in appropriate cases. (3) The Government may decide the constitution of a separate Review Board and about the procedure of its functioning for adolescent prisoners if considered necessary according to their number.
398. *Meeting of State Sentence Review Board.*— (1) The State Sentence Review Board shall meet at least once in six months at the respective prisons on a date to be notified to its members, at least 10 days in advance by its Member Secretary, who shall fix the date in consultation with the Chairman. Complete agenda papers shall accompany the notice of such a meeting. (2) In absence of the Chairman, the meeting shall be chaired by the Law Secretary. The Board shall, as far as practicable, make unanimous recommendations. In case of dissent, the decision of the Board shall be by majority view. (3) The State Sentence Review Board shall review the cases of the following categories of prisoners for recommending premature release:— (i) Women offenders sentenced for infanticide:— Their cases shall be reviewed immediately on admission in prison and they shall be sent to the care of voluntary organizations of good repute for a reasonable period of time. (ii) Women offenders who have committed crime under compulsion and/or under social and cultural pressures: Their cases shall also be reviewed immediately on admission in prison for sending them to the care of voluntary organizations of good repute. (iii) Women offenders sentenced to life imprisonment: On completion of seven years of imprisonment, including remission, except those covered under section 433-A of the Code of Criminal Procedure, 1973, whose cases will be considered only after completing 14 years of actual imprisonment. (iv) Life convicts (men and adolescent offenders) on completion of 10 years of imprisonment, including remission, except those covered under section 433-A of the Code of Criminal Procedure, 1973, whose cases will be considered after completing 14 years of actual imprisonment. (v) Non-habitual male and adolescent offenders, (other than those sentenced to imprisonment for life), sentenced to undergo more than one year of imprisonment, on undergoing half of their substantive sentence, including remission, subject to the condition that they shall not be actually released unless they have undergone at least one year of sentence including remission. (vi) Non-habitual women offenders (other than those sentenced to imprisonment for life), sentenced to a term of imprisonment of more than one year, on undergoing half of their substantive sentence, including remission, whichever is less. This would be subject to the condition that they shall not be actually released unless they have undergone at least one year's imprisonment including remission. (vii) Habitual offenders (other than those sentenced to imprisonment for life) sentenced to five years or more of imprisonment, on completion of two-third of their sentence including remission, subject to the condition that they shall not be released unless they have undergone at least five years of imprisonment including remission. (viii) Prisoner convicted of offences such as rape, dacoity, and terrorist crimes, kidnapping, smuggling (including those convicted under NDPS Act) Prevention of Corruption Act, Immoral Traffic (Prevention) Act, 1956, offences against State, and undergoing life imprisonment, after completion of 14 years of sentence inclusive of remission. (ix) Prisoners convicted of offences mentioned in Para (viii), other than those sentenced to imprisonment for life, or to a term of imprisonment of five years and above, after completing three-fourths of the sentence including remission, subject to the condition that they shall not be released unless they have undergone at least five years of sentence including remission. (x) Old (above 65 years of age) and infirm offenders (other than those serving life imprisonment) sentenced to imprisonment for one year and more, on completion of one third of the substantive sentence including remission, subject to the condition that they shall not be actually released unless they have undergone at least one year of imprisonment including remission. (xi) Offenders certified by a designated Medical Board to be suffering from incurable diseases likely to prove fatal, whenever such a situation arises.
399. *Procedure for holding meetings of the State Sentence Review Board.*— (1) On the 15th February and 16th August since the last meeting, if any, of the said Board, the Jailor shall with the help of the Assistant Jailor and the Clerk to whom the work has been entrusted by the Superintendent, prepare a statement of all convicted criminal prisoners whose sentences have become due for such review, according to the provisions of the foregoing rules, and the Superintendent, after due verification, shall submit the statement to the State Sentence Review Board. (2) The State Sentence Review Board shall, on receipt of the statement under sub-rule (1), hold the meeting as soon as possible after the 31st March and 30th September, but not later than April and October every year to consider, with regard to each convict, the information placed before it.
400. *Records relating to review of sentences and release.*— (1) Immediately on admission of a convict, eligible for being considered for premature release, the Superintendent shall get a copy of the judgment in his/her case from the Court. Superintendent shall initiate action, at least 3 months in advance, in case of prisoners eligible for consideration, for premature release, by collecting and compiling the following information and records:— (i) Copies of the judgments of the original court and the appellate court; and in case of prisoners by court martial, from the authorities concerned. (ii) A data sheet containing information, viz., name of the convict, his/her number, age at the time of the sentence, previous occupation, offences, circumstances under which he committed the offence, sentences, date of sentence, sentencing court, sentence undergone, unexpired sentence and remission earned etc., in Form No. XXXIV (iii) History of his/her family background, social history, economic background, habits, attitudes, etc. in Form No. XIV. (iv) Report of the Superintendent giving particulars about the educational progress, performance at work and vocational training, interest in recreational and cultural activities, discipline, prison offence and punishment awarded for the same, group adjustability, conduct, attitude towards society and family members, conduct during release on furlough and parole, need for an after-care programme, and the manner in which the convict proposes to resettle after his/her premature release in Form No. XXXIII and Form XXXIV. (v) Medical report about the physical and mental condition of the offender, serious illness, if any, suffered by him/her, and his/her fitness for premature release; (vi) Superintendent to make reference and obtain definite opinion of the District Magistrate and the Superintendent of Police of the district in Form No. XXXV, about residence, place of committing the crime, suitability of the offender for premature release with adequate reasons on enquiry within 30 days. (vii) Report from the Probation Officer or any other agency, about the scope for after care and post release programme for the convict and after-care programme for the convict; (2) Superintendent after collecting all the information from his own records and as provided in the above clauses, shall forward the proposal to the Inspector General who shall record his opinion thereon before causing the circulation of the agenda to the members of the State Sentences Review Board along with the notice of the meeting. (3) The Superintendent shall complete the record of premature release of the concerned prisoners by placing the following in their respective files:— (i) Recommendations of the State Sentence Review Board. (ii) Order of the Government. (iii) Bond furnished by the prisoner. (iv) Conditions of release duly signed by the prisoner.
401. *Resubmission of the case for review.*— The Superintendent shall, before the case of any prisoner is, re-submitted for review to the State Sentence Review Board, obtain fresh opinion of the Officers referred to in clause (vi) of sub-rule (1) of rule 400: Provided that, if a District Magistrate and Superintendent of Police have once expressed a favourable opinion in a prisoner's case which is to be placed before the State Sentence Review Board, he need not be consulted again in that case on subsequent occasions.

sentences. The SSRB is constituted under Rule 397. The Board consists of the Secretary to the Government, Prison Department, as its Chairman; the members include the Law Secretary to the Government, a senior Police Officer nominated by the Director General of Police, another senior Police Officer nominated by the Chief Secretary to the Government, the Chief Probation Officer, the Inspector General and the Additional Inspector General to be the Member Secretary. Rule 398 vests the power to review the cases of prisoners of specified categories for premature release. One of the categories includes life convicts (men and adolescent offenders) covered under Section 433-A of CrPC, who have completed 14 years of actual imprisonment. Rule 400 mandates that the records relating to the review of sentences and the release of the convicts eligible for consideration be placed before the Board. The material includes copies of the judgment of the original convicting Court and the Appellate Court; a data sheet containing relevant information of the prisoner; history of his/her family background,

402. *Overall review of the progress made by a prisoner.*— During the month preceding the month in which the meeting of the State Sentence Review Board is fixed, the classification committee shall take an overall review of the progress made by a prisoner whose case is to be placed before the State Sentence Review Board in re-shaping his individual and social behaviour and prepare a comprehensive progress report in Form No. XXXII, containing amongst other things, specific recommendations for or against the premature release of the prisoner for being placed before the State Sentence Review Board.

403. *Factors to be considered for reviewing the sentences.*— (1) The State Sentence Review Board shall consider the social history of the prisoner, the circumstances of his criminal behaviour, conduct in the prison, response to training and treatment, marked changes in habits, attitude and character, degree of criminality, health and mental condition and the possibility of his resettlement after release. The State Sentence Review Board may also take into consideration such circumstances as were not before the Court when the sentence was awarded. The State Sentence Review Board shall also consider the opinion of the Superintendent of Police and the District Magistrate. On the basis of such overall examination of the case, the State Sentence Review Board may recommend deserving prisoners for premature release, either on specified conditions or unconditionally, after recording the reasons for the recommendations in every case. (2) *Interview with the prisoner:* The State Sentence Review Board shall not interview any prisoner, unless it has special reasons to see him (e.g. when release is proposed on the ground of infirmity) or to ask him any pertinent question in connection with his release. (3) *Case not recommended for premature release:* Where the State Sentence Review Board, after consideration of a case, decides not to make any recommendations for premature release, it may order that the case shall be placed before it for review after such period not exceeding three years as it may specify in the Order. The State Sentence Review Board may also recommend alternate measures in respect of treatment of the prisoners. (4) *Minutes of the meetings:* The minutes of the meetings shall be recorded in the register specially kept for the purpose under signature of all the members present at the meeting. (5) *Prisoners not to be informed of the recommendation:* No prisoner or any of his relatives shall be informed of the State Sentence Review Board recommendation for the release of the prisoner except the order of the Government for his release.

404. *Forwarding the recommendations to the Government.*— (1) The Superintendent shall submit the recommendations of the State Sentence Review Board together with the documents relating to the prisoners recommended for premature release to the Government within 15 days from the date of recommendation of State Sentence Review Board through the Inspector General. The Inspector General shall forward the papers to the Government with his remarks for orders. (2) *Decisions of the Government:* The Government may either accept or reject the recommendation of the State Sentence Review Board on the ground to be stated. In the case where the recommendation has been rejected, the Government may ask the State Sentence Review Board to reconsider the case. The decision of the Government shall be communicated to the concerned prisoner and in case the Government orders to grant remission and his premature release, the prisoner shall be released forthwith, with or without conditions. (3) *Cases of Ex-Military prisoners:* In case of Ex-Military Prisoners, the recommendations of the State Sentence Review Board will be submitted to the Government who will forward them to the Government of India for orders.

social history, economic background, habits, attitudes; a report by the Superintendent regarding educational progress, work performance, vocational training, interest in recreational and cultural activities, discipline, etc.; medical reports of physical and mental condition; opinion of the Superintendent of Police and the District Magistrate of the place where offence was committed and Report of the Probation Officer.

20. Rule 403 of the Rules enumerates the factors to be considered by the SSRB. They include the prisoner's social history, the circumstances of criminal behaviour, conduct in prison, response to training and treatment, habits, attitude, character, physical and mental health, etc. The SSRB is to consider the opinions of the concerned Superintendent of Police and District Magistrate. On the basis of such overall examination of the case, the SSRB is vested with the power to recommend deserving prisoners for premature release. Finally, Rule 404 provides that the Government may accept or reject the recommendation on grounds to be stated in the decision. In case of rejection, the Government may ask the SSRB to reconsider the case.

B. Analysing the law in the present factual matrix:

21. Admittedly, the SSRB in its report/minutes dated 21st May 2025 has strongly recommended the Petitioner's premature release. The SSRB has recorded in its minutes as under:

- a) The Petitioner was 19 at the time of his arrest and is now 37 years of age. He has undergone 20 years, 2 months and 29 days of total imprisonment and 14 years, 1 month and 9 days of actual imprisonment as on 31st March 2025.
- b) He was released on parole/furlough on 24 occasions in the last 20 years. Nothing adverse was reported against him by the police or the general public during his release on parole/furlough.
- c) Inspector General of Prisons informed the SSRB regarding a representation made by the victim's father to various Government authorities objecting the premature release. He also placed reports received from the IPHB, the Superintendent of Jail, Superintendent of Police, North Goa, the District Magistrate and the Probation Officer.
- d) The IPHB has confirmed that the Petitioner has relatively good stress tolerance, efficient coping mechanism with satisfactorily level emotional maturity. Presence of psychotic or effective features are ruled out and the Petitioner has not shown any signs of a major psychiatric illness.
- e) The Superintendent of Jail stated that the Petitioner was working as a convict warden, is very good in fine arts and his services

were being used to carve paintings on the Jail walls. His behavior was cordial with the other inmates and there are no adverse reports against him. Thus he recommended his case for premature release

- f) The District Magistrate and Probation Officer also recommended the Petitioner's case.
- g) Save and except the Superintendent of Police, North Goa, all the authorities have confirmed that the Petitioner is a reformed person and recommended him for premature release. The Superintendent of Police (North Goa) objected on the ground of the nature of offence and that his early release is not in the interest of justice or public safety.
- h) The SSRB also considered the Petitioner's social history, the status of his family, his response to training and treatment, marked changes in habits, attitude, character, degree of criminality, health and mental condition and possibility of resettlement after his release.
- i) The SSRB also considered that the Petitioner participated in various reformation activities in prison; he is an excellent painter and a poet, and he also completed LLB, BA (Literature), PG Diploma in communications and IT skills, PG Diploma in

Journalism and Mass Communications, etc., while undergoing his sentence.

22. A perusal of the report also indicates that the SSRB took into account the various factors as per Rule 403 of the Rules. Upon careful perusal of the material before it, the SSRB unanimously recommended the Petitioner's premature release.

23. The Respondent No. 1, based on the opinion of the convicting Court, by its decision dated 20th August 2025, rejected the recommendations. The Petitioner challenged the Government's decision before this Court. In Judgment and Order dated 27th November 2025, this Court, in paragraph 12, held as under:

"In our opinion, the approach of the Government in this case was erroneous and unjustified. Therefore, the impugned order passed by the State Government rejecting the Petitioner's premature release is required to be set aside. The impugned order dated 20.08.2025 passed by Respondent No.1 is set aside. The application of the Petitioner for premature release shall be considered afresh based on the recommendation of the State Sentence Review Board. The State Government may also take into account the recommendation of the Presiding Officer of the Convicting Court, but it cannot be the sole criterion for consideration of the case for premature release of the Petitioner. Due weightage has to be given to the recommendation given by the State Sentence Review Board. The case of the Petitioner shall be considered under the Goa Prisons Rules, 2006. This exercise shall be carried out within a period of two weeks from today. In case an adverse order is passed by the State Government, the Petitioner is at liberty to adopt appropriate proceedings in accordance with law.

The petition is disposed of.”

24. The State, instead of reconsidering its decision in accordance with the SSRB’s recommendation as directed by this Court, once again rejected the recommendation. The reasons for rejection are as follows:

“1) Report of SP (North/South Goa) has not recommended the case for premature release of the prisoner, considering the nature of the offence and stated that granting early release is not in the interest of justice or public safety.

2) In reference to whether the convicted person has lost the potentiality to commit the crime, the Board observed that a prediction cannot be made with absolute certainty, but the likelihood of the same is minimal.

3) The Sentence Review Board has rejected the view of the Police, not to release the prisoner prematurely, citing the reason that all the accused in the said case are residents of different places and hence cannot commit such a crime again.

4) The behaviour of the prisoners inside the prison under the control of the Jail Authorities cannot be a testimony of any future behaviour of the prisoners in a society that does not have a similar controlled environment.

In view of the above and considering that the prisoner was involved in a preplanned cold-blooded murder of an innocent boy, the decision of the Sentence Review Board to release the Petitioner prematurely is not agreed to by the Government.”

25. In reference to the reason for rejection by the State that the nature of the offence is heinous, the Supreme Court in ***Rohit Chaturvedi v. State of Uttarakhand***¹⁰, observed as under:

¹⁰ 2026 INSC 490.

“7. Reverting to the present case, the faint ground invoked by the respondent-Union of India in support of rejection of the petitioner’s plea for premature release is that the crime committed by the petitioner was a heinous one. We wish to make it clear that in a constitutional polity governed by the rule of law, the denial of remission cannot rest solely on the ground of heinousness of the crime. As we have already stated above, remission is not an extension of the sentencing process, but a distinct executive function concerned with the present and future, namely, the prisoner’s conduct, evidence of reformation, and prospects of reintegration into society. To predicate its denial only on the heinous nature of the offence is to collapse this distinction and to reconvert remission into a retrospective reaffirmation of guilt, which the criminal justice system has already adjudicated upon. The gravity and heinousness of the offence stand exhausted at the stage of sentencing, and the judicial determination of punishment necessarily incorporates these considerations. A criminal justice system that refuses to look beyond the gravity of the offence to the offender’s transformation will betray its reformatory ideal particularly at the remission stage. Justice does not permit permanent incarceration of an individual in the shadow of their worst act.

7.1 The nature of the offence cannot, therefore, be the sole ground for denying remission. Emotive retribution is a course incompatible with constitutional values. The decision on remission must emerge from a holistic assessment of the prisoner and after balancing societal interests with the prisoner’s right to be considered for release on fair and reasonable criteria.

7.2 As Plato, the Greek Scholar and Philosopher, said any means, of word or deed, privilege or deprivation, that can be used to make the unjust man or the criminal, hate injustice and avoid recidivism are to be employed: the inculcation of an all but instinctive aversion to injustice “is quite the noblest work of law” (Thomas L. Pangle, The Laws of Plato, Basic Book Publishers, 1980). Thus, Plato reminds

us to treat punishment as an instrument with a definitive end, namely, to produce in the offender an instinctive aversion to injustice sufficient to prevent recidivism. Reading this into the law of remission will yield a clear conclusion: a remission authority is not revisiting the gravity of the crime; it is assessing whether the purpose of punishment continues to subsist. In that sense, Plato supplies a legal test for remission decisions: If the offender's conduct and record in custody indicate that this "instinctive aversion to injustice" has taken root, then continued incarceration becomes unnecessary and arguably contrary to its own objective. The deprivation of liberty no longer serves correction but becomes retribution. In a liberal constitutional order, punishment and all its incidents, including remission, must necessarily be justified through reason and not outrage.

7.3 Invoking Plato again, as this very court noted in **Bilkis**^[11] as follows:

"1. ...punishment is to be inflicted, not for the sake of vengeance, for what is done cannot be undone, but for the sake of prevention and reformation (Thomas L. Pangle, The Laws of Plato, Basic Book Publishers, 1980). In his treatise, Plato reasons that the lawgiver, as far as he can, ought to imitate the doctor who does not apply his drug with a view to pain only, but to do the patient good. This curative theory of punishment likens penalty to medicine, administered for the good of the one who is being chastised (Trevor J. Saunders, Plato's Penal Code: Tradition, Controversy, and Reform in Greek Penology, Oxford University Press, 1991)."

In Plato's rejection of punishment as retroactive vengeance lies the deep insight that the past cannot be changed. Instead, punishment is justified only insofar as it serves a future-oriented purpose, namely, prevention, reform, and the restoration of order. The comparison between the judge and the doctor is also significant. A doctor may incidentally cause pain through surgery or medicine, but the pain is not the objective; healing is. Likewise, punishment may involve suffering, but suffering itself is not normatively

11 (2024) 5 SCC 481.

valuable. Its legitimacy comes only from its capacity to heal the individual and protect the polis (a political/civic community)."

26. The Superintendent of Police (North Goa) has not recommended the premature release of the Petitioner solely on the ground that the crime committed by the convict prisoner was pre-planned, and thus there is every chance that the said prisoner will repeat the crime. This observation is based on the nature of the crime committed. The Supreme Court in ***Rohit Chaturvedi*** (*supra*) made it clear that in a constitutional polity governed by the rule of law, the denial of remission cannot rest solely on the ground of the heinousness of the crime. The nature of the offence cannot be the sole ground for denying remission. The decision on remission must emerge from a holistic assessment of the prisoner and after balancing societal interests with the prisoner's right to be considered for release on fair and reasonable criteria. Remission is concerned with the prisoner's present and future conduct, evidence of reformation and prospects of reintegration into society. Denying remission solely because of the heinous nature of the offence would effectively turn the remission process into a fresh assessment of guilt, even though the sentencing court had already considered the gravity of the crime when imposing punishment.

27. The SSRB, in fact, deliberated on the recommendation of the Superintendent of Police (North Goa) at length and disagreed with the

same, observing that merely because the original crime was preplanned cannot be a ground for rejection, as the conduct of the Petitioner, along with other accused, is found to be good and they are reformed.

28. The State's second objection is that the SSRB was unable to predict with 'absolute certainty' that the Petitioner would not commit such a crime again. The State also observed that the prisoner's behaviour in prison, under the control of the Jail authorities, cannot be taken as evidence of his future behaviour in society. It appears that the State has entirely missed the import of this Court's Order dated 17th December 2025. The said objection appears irrational, as applying such criteria is bound to negate the entire concept of the reformatory theory. The SSRB has, in fact, assessed certain key predictors to determine re-offence risk. Historical data that cannot be changed, such as age at the time of conviction, prior convictions, dynamic factors such as anti-social behaviour patterns, financial instability and protective factors such as positive variables that reduce the probability of re-offending, including stable family or social support networks and participation in jail rehabilitation or education courses, etc., have been considered by the SSRB while recommending premature release.

29. The prison laws in India embody a strong underlying reformatory purpose. A criterion that requires the SSRB to opine with absolute certainty on the Petitioner's potential to repeat such a crime in

the future would operate as an absolute bar to considering a premature release request by a convict who is eligible under the relevant Rules. This would altogether rule out the possibility of any prisoner being considered for and prematurely released. This would mean that a convicted person would never see freedom and would die within the prison walls. It is nigh impossible for any authority to opine with ‘absolute certainty’ that the convicted person will not reoffend. The SSRB can only opine on the probability of such potentiality. Probability is the mathematical likelihood that an event will occur; certainty, on the other hand, is the absolute, unquestionable state in which an outcome is guaranteed to occur. The Board has, in fact, based on the material before it, opined that the likelihood of the Petitioner repeating the offence is minimal.

30. In *Laxman Naskar v. Union of India*¹², the Supreme Court, in reference to certain factors governing the grant of remission, including whether the convict has lost his potentiality in committing a crime, held as under:

“8. If we look at the reasons given by the Government, we are afraid that the same are palpably irrelevant or devoid of substance. Firstly, the views of the witnesses who had been examined in the case or the persons in the locality cannot determine whether the petitioner would be a danger if prematurely released because the persons in the locality and the witnesses may still live in the past and their memories are being relied upon without reference to the

¹² (2002) 2 SCC 595.

present and the report of the jail authorities to the effect that the petitioner has reformed himself to a large extent. Secondly, by reason of one's age one cannot say whether the convict has still potentiality of committing the crime or not, but it depends on his attitude to matters, which is not being taken note of by the Government..."

31. In ***Satish v. State of U.P.***¹³, the Supreme Court held that neither the length of the sentence nor the gravity of the original offence can by themselves constitute the sole basis for refusing premature release. Any assessment of the likelihood of re-offending upon release must be based on prisoners' antecedents and their conduct while in custody, rather than merely on age or apprehensions expressed by victims or witnesses. The Court further observed that although remission cannot be claimed as a matter of right, once the appropriate legislature has enacted a law governing remission, the executive cannot indirectly defeat or subvert its mandate.

32. The petitioner's case deserves to be considered in light of the reformatory theory underpinning the modern criminal justice system. The purpose of punishment is not merely retribution but also the reformation and rehabilitation of the offender, enabling his eventual reintegration into society. In ***Mohd. Giasuddin v. State of A.P.***¹⁴, *Krishna Iyer, J.*, while emphasising the reformatory philosophy of sentencing, quoted George Bernard Shaw's observation that:

¹³ (2021) 14 SCC 580.

¹⁴ (1977) 3 SCC 287.

“If you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him and men are not improved by injuries.”

The learned Judge noted that modern penology regards sentencing as a process of reshaping a person who has fallen into criminality, and that society itself has a significant interest in rehabilitating offenders as a form of social protection. Thus, the reformatory approach to punishment is a fundamental part of criminal jurisprudence, and remission policies are founded upon this principle.

IV. CONCLUSION:

33. In the present case, the SSRB has recorded the probation officer's report in detail. The Petitioner's parents residing in Panaji are ready to accept him. Both parents are physicians and work in Goa. The Petitioner has completed various courses and has completed his diploma, graduation, and postgraduate studies. While in prison, he completed his B.A. in English, a postgraduate diploma in labour and administrative law, an advanced computer application course, a post-graduation course in communication and IT skills through IGNOU and other courses. He is currently studying in the second year of LLB. He has also been writing poems and is involved in art and painting in the prison. He has received a National Award for art and literature. He has also written and published a book of poetry, 'For Better or Verse', and participated in painting exhibitions. The Petitioner is working in the

candle-making section in the prison and is appointed as Convict Warden. The Petitioner has also rendered good service towards the work assigned to him in jail. The District Magistrate reported that Petitioner's conduct was satisfactory when he was released on parole earlier. The Inspector General of Prisons also informed the Board that nothing adverse was reported while the Petitioner was on parole.

34. The report indicates that the Petitioner's conduct and rehabilitation have been found satisfactory by the authorities, who are members of the SSRB. Continued incarceration in such circumstances would run contrary to the reformatory object underlying remission and premature release policies. From the aforesaid, it may be derived that there is a very low likelihood of the recurrence of the offence by the Petitioner.

35. While going through the papers of the petition, it was revealed from the imprisonment certificate that the Petitioner had not deposited the amount of fine as per the sentence imposed on him by the convicting Court. Hence, we listed the matter for directions on 30th July 2026 to ascertain the willingness of the Petitioner to deposit the fine. Mr. Fernandes immediately indicated his willingness to deposit the fine within a day. On 31st July 2026, Mr. Fernandes reported compliance and tendered the receipt issued by the competent authority relating to the deposit of the fine. Mr. Gaonkar, representing the

victim's father, in Criminal Writ Petition No. 644 of 2026, objected and submitted that the Petitioner was thus not eligible to be considered for premature release by the SSRB on account of failure to deposit the fine earlier. Mr Faldessai, however, as an Officer of the Court, brought to our attention the relevant Rules and explained that a convict is eligible to be considered for premature release by the SSRB on completion of 14 years of actual imprisonment. We have perused the Rules carefully. Considering that the Petitioner has completed 14 years of actual imprisonment, he is eligible to be considered for premature release by the SSRB. In any case, the Petitioner has deposited the fine with the competent authorities and we see no reason to remand the matter back to the SSRB on this technical ground.

36. An important aspect that cannot be overlooked is whether there is any fruitful purpose in continuing the Petitioner's confinement in prison. As discussed above, a reformatory approach has been adopted for convicts in cases of remission, rather than a retributive one. In such a case, keeping the petitioner in jail, given that he has already spent over 20 years in prison, may not be fruitful in any manner.

37. In view of the cumulative reasons above, and in view of the judgments of the Supreme Court, we have no hesitation in holding that the impugned letter dated 18th December 2025, rejecting the SSRB's recommendation and disallowing the Petitioner's plea for premature

release, is arbitrary and unsustainable in law and on the merits. It is thus quashed and set aside.

38. In view thereof, it would be appropriate to direct the release of the Petitioner. The Respondents are ordered and directed accordingly.

39. The petition is allowed in the aforesaid terms.

AMIT S. JAMSANDEKAR, J.

DR. NEELA GOKHALE, J.

JUDGMENT CONTINUED

40. After the judgment was pronounced, Mr. Gaonkar, learned Counsel representing the father of the victim, sought a stay on the present Judgment and Order.

41. In view of our findings and discussions in the Judgment and Order above, we are not inclined to stay our direction to release the Petitioner.

42. Mr. Gaonkar further prayed that some condition may be imposed on the Petitioner pursuant to his release to ensure continuance of good behaviour.

43. Having regarding to the fact that the Petitioner is being released after a period of almost 20 years, we direct the Petitioner to report to the SHO of the Police Station within the territorial jurisdiction of his place of residence once in a month for the first six months and once in three months for the subsequent six months.

AMIT S. JAMSANDEKAR, J.

DR. NEELA GOKHALE, J.