



2026:AHC:166824-DB

Reserved
A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 19882 of 2025

Adil @ Seeran

.....Petitioner

Versus

State of Uttar Pradesh and others

.....Respondents

Counsel for the Petitioner	: Jitendra Singh, Shresth Pratap Singh
Counsel for the Respondents	: G.A.

Court No. - 2

HON'BLE J.J. MUNIR, J.
HON'BLE TARUN SAXENA, J.

(Delivered by Hon'ble J.J. Munir, J.)

1. This writ petition is directed against the order dated 12.08.2025, notifying the decision of the Hon'ble the Governor made under Article 161 of the Constitution of India, declining premature release of the petitioner, a life convict.

2. The petitioner, Adil @ Seeran, stood his trial, along with co-accused Sufiyan, Smt. Razia and Biru Singh, in Sessions Trial No. 957 of 2006 (arising out of Crime No. 364 of 2005), under Sections 302/ 307/ 34 of the Indian Penal Code, 1860 (for short, 'IPC'), Police Station Colonelganj, District Allahabad. The learned Judge convicted the petitioner, along with co-accused Sufiyan and Smt. Razia, amongst others, of the offence punishable under Section 302/34 IPC and sentenced him to life together with a fine of Rs.5,000/-. A term sentence of ten years was awarded for the offence punishable under Section 307/34 IPC together with a fine

of Rs.3,000/-. Of all the four accused arraigned before the learned Additional Sessions Judge, Biru Singh was acquitted. The petitioner, along with convicts Sufiyan and Smt. Razia preferred Criminal Appeal No. 1824 of 2009 to this Court. A Division Bench of this Court *vide* judgment and order dated 03.08.2018 acquitted Smt. Razia, but upheld the conviction and sentence awarded to the petitioner and the other convict Sufiyan. The petitioner has averred that he impugned the judgment of this Court by seeking Special Leave to Appeal before the Supreme Court, but the special leave petition was dismissed on 16.09.2020.

3. The petitioner says that he has suffered incarceration for a period of 23 years and 11 month with remission, and 19 years and 5 months without remission, but the respondents are not extending the benefit of the guidelines issued by the Supreme Court in **Beche Lal v. State of Uttar Pradesh and another, (2021) 17 SCC 726**. It is also the petitioner's case that co-accused Sufiyan son of Quddus has been prematurely released on 29.01.2021, but the petitioner continues to languish in Jail without the benefit of remission. The petitioner says that his case for premature release in terms of the State Government's policy, formulated on 01.08.2018, as revised in the years 2021 and 2022, is squarely made out because his case does not fall in any of the excepted categories mentioned in Clause 3 of the Policy. The petitioner also asserts that he is in jail since 08.12.2005 without remission and was never admitted to bail. The petitioner has no criminal history, as the assertion goes in paragraph no. 21 of the writ petition.

4. The petitioner has moved an application too for premature release on the ground of long incarceration. The rejection of the petitioner's prayer for premature release by the order impugned is termed illegal and contrary to the State's Remission Policy because the policy would prevail over the provisions of the Uttar

Pradesh Jail Manual, 1956 and the Uttar Pradesh Prisoners' Release on Probation Rules, 1938 (for short, 'the Release on Probation Rules'), as the policy has statutory force under Article 161 of the Constitution and is one formulated later in point of time to the Jail Manual and the Release on Probation Rules. The petitioner asserts that he is entitled to release under the State's Remission Policy of 2018, as amended from time to time.

5. A counter affidavit has been filed on behalf of the State. The petitioner's conviction or the dismissal of his appeal is not in issue. The State asserts that the petitioner, on completion of 16 years' imprisonment, became eligible for a consideration for premature release on 07.12.2021. The proposal for his premature release was sent on 01.06.2022, which after due consideration was rejected on 24.02.2023 by the Hon'ble the Governor. Next, a second proposal for his premature release was sent on 08.03.2025, which was the International Women's Day, under the permanent policy framed by the State Government. It was forwarded by the Jail Headquarters *vide* letter dated 27.12.2024 to the State Government, and the said proposal under the permanent policy, formulated under Article 161 of the Constitution, was rejected by the State Government *vide* order dated 12.08.2025, to wit, the impugned order. The petitioner has been communicated with the information on 25.08.2025.

6. It is not disputed that the petitioner, after completion of 14 years' detention in Jail, proceedings for his premature release were commenced and Form-A proposal for premature release under the provisions of the Uttar Pradesh Prisoners' Release on Probation Act, 1938, after completing all formalities, was sent by the Jail *vide* a letter dated 03.10.2025 (*sic*) to the District Magistrate, Prayagraj. The District Magistrate forwarded the proposal to the State Government for further action. The State Government rejected the Form-A proposal for the petitioner *vide*

order dated 19.05.2021. After rejection of the Form-A proposal, 14 years nominal roll proposal for the petitioner's premature release was sent by the Jail Authorities to the District Magistrate, Prayagraj. The District Magistrate, Prayagraj, after completing all formalities, forwarded the said proposal to the Inspector General, Prison Administration and Reform Services, U.P., Lucknow. The Jail Headquarters, by their letter dated 22.05.2024, asked for complete nominal roll proposal with opinion in pursuance of the order dated 08.01.2024 passed by the Supreme Court in Writ Petition (Criminal) No. 491 of 2022, *Bilkis Yaqoob Rasool v. Union of India and others*. Accordingly, the Jail Authorities *vide* their letter dated 12.07.2024 forwarded the proposal, accompanied with the opinion of the learned Additional District Judge-I, Allahabad to the Jail Headquarters.

7. The respondents say that as on 13.11.2025, the petitioner has served 19 years 11 months and 6 days without remission and 24 years 6 months and 28 days with remission. A custody certificate dated 18.11.2025 is annexed to the return. It is next averred in paragraph no.10 of the counter affidavit that after completing all formalities, a third proposal for premature release for the petitioner on the International Human Rights Day, to wit, 10.12.2025, under the permanent policy framed by the State Government, has been forwarded by the Jail Authorities to the Jail Headquarters *vide* their letter dated 01.10.2025. It is acknowledged in paragraph no.16 of the counter affidavit that the petitioner is continuously incarcerated in prison since 08.12.2005, and during his detention, he has not been released on bail, parole or home leave from Jail.

8. Heard Mr. Jitendra Singh, learned Counsel for the petitioner and Mr. Amrit Lal Chaurasia, learned Additional Government Advocate, appearing on behalf of respondent nos.1, 2, 3 and 4.

9. A look at the stand of the State before the Supreme Court in **Surendra alias Sunda v. State of U.P., 2026 SCC OnLine SC 804**, it is apparent that according to the respondents, there are five distinct mechanisms in place for early release of a convict in the State of Uttar Pradesh. In paragraph no. 7 of the report in **Surendra alias Sunda (supra)**, the five mechanisms for premature release are enumerated, thus:

“7. In the aforesaid affidavit dated 08.11.2024, it was also informed by the State that there are five mechanisms for early release in the State of Uttar Pradesh, which are as follows:

(i) Uttar Pradesh Prisoners Release on Probation Act, 1938: Life convicts who have undergone 14 years of imprisonment without remission are conditionally released on license by Government subject to good conduct post-release. This mechanism is also called ‘Form-A release’.

(ii) Under Section 432 of Criminal Procedure Code, 1973 read with Para 180 of U.P. Jail Manual, 2022: Life convicts who have undergone 14 years of imprisonment without remission are considered for early release. This mechanism is also called ‘Nominal Roll’.

(iii) Under Section 432 of Criminal Procedure Code, 1973 read with Para 177, 178, 179 of U.P. Jail Manual, 2022: Release on the basis of infirmity, old age and critical illness as assessed by the Medical Board. This mechanism is also called ‘Infirmity Roll’.

(iv) Under Article 161 of the Constitution of India along with some filters formulated by State in Standing Police made in 2018 as amended in 2021 and 2022: Life convicts who have undergone 16 years without remission and 20 years with remission with some relaxations for terminally ill and old aged prisoners who may qualify certain filters laid down by State.

(v) General Mercy Petition under Article 161 of the Constitution of India: Consideration by the Hon'ble Governor of the State upon application by the convicts. There is no minimum sentence period required for this mechanism.

It was also brought to light in the said affidavit that the aforementioned five mechanisms have their independent considerations and requirements, the flow of applications from one authority to another in each mechanism is distinct.”

10. A look at these five different mechanisms for premature release would lead to the inevitable conclusion that the sources of power for ordering premature release are broadly two, that is to say, statutory powers of the State Government; and, the constitutional powers of the Governor. The statutory powers of the State Government are classified by the Government themselves into three categories. The first is traceable to the Release on Probation Rules, to which a convict becomes entitled after 14 years of imprisonment suffered without remission and is a

conditional release on licence by the Government, subject to maintenance of good conduct after release. This has been described as Form-A release. The petitioner's case under this mechanism of release has already been rejected, according to the respondents' case, which is not disputed by the petitioner. The second statutory source of power is under Section 432 of the Code of Criminal Procedure, 1973 (for short, 'the Code') read with Paragraph 180 of the U.P. Jail Manual, 2022. This is called the 'nominal roll' release, for which convicts are eligible after suffering 14 years of imprisonment without remission. The third statutory source of power and a mechanism for premature release is under Section 432 of the Code read with Paragraphs 177, 178 and 179 of the U.P. Jail Manual. Here, the release is based on infirmity, old age and terminal illness as assessed by the Medical Board. This category or mechanism of premature release is called the 'infirmity roll'. The fourth category is the standing policy of premature release formulated by the State Government under Article 161 of the Constitution, where the Governor would exercise powers to prematurely release in accordance with the terms of the policy. Here, life convicts, who have undergone 16 years without remission and 20 years with remission, subject to the conditions mentioned in the policy, are eligible. There is then the fifth category or mechanism, which too has for its source of authority the constitutional power of the Governor under Article 161 of the Constitution. The power under Article 161 is a constitutional power and a prerogative of the Executive. Here, the Governor may exercise the power, untrammelled by any conditions or the period of incarceration or anything else. This is a facet of the sovereign power of the Executive to grant clemency.

11. What we find in this case is that the impugned order has apparently been passed on the second proposal moved for the petitioner on 12.07.2024 together with the report of the Judge, who convicted the petitioner, dated 02.07.2024. This second

proposal was admittedly made after rejection of the Form-A proposal and this proposal falls into the nominal roll category or mechanism for the grant of premature release. This is traceable to the State Government's power to grant a premature release under Section 432 of the Code read with Paragraph 180 of the U.P. Jail Manual, 2022. According to the terms of this mechanism, a convict becomes eligible after undergoing 14 years of imprisonment without remission, which is admittedly the case with the petitioner. In rejecting this proposal by the order impugned, the State Government though have expressed it to be a decision by the Governor in the exercise of powers under Article 161 of the Constitution, but substantially it is a product of the State Government's statutory authority under Section 432 of the Code read with Paragraph 180 of the U.P. Jail Manual.

12. A perusal of the impugned order would show that the State Government have referred to their remission policy as carried in the Government Order dated 01.08.2018, as amended *vide* Government Order dated 27.07.2021 and further *vide* Government Order dated 27.05.2022, and found the petitioner's case unfit for premature release. We must remark that in a case, considering nominal release under Section 432 of the Code read with Paragraph 180 of the U.P. Jail Manual, the Government ought be guided not by the remission policy formulated under Article 161 of the Constitution, which govern cases for release, where the State Government advises the Governor to exercise his powers under that Article, but by criteria mandated by the Supreme Court in **Laxman Naskar (Life Convict) v. State of West Bengal and another, (2000) 7 SCC 626**. The reason is that a nominal roll release is essentially the State Government's decision in the exercise of their statutory powers, not referable to Article 161 of the Constitution. The reference to Article 161 of the Constitution carried in the impugned order may be regarded as one by courtesy, but that does not change the essential

complexion of the order, which is traceable to the State Government's statutory powers under the Code and the U.P. Jail Manual. In **Laxman Naskar** (*supra*), the Supreme Court has determined guidelines, on the basis of which the Review Committee, constituted by the Government, must consider a claim for premature release. In **Laxman Naskar**, these guidelines figure in paragraph no. 6 of the report, thus:

“6. This Court also issued certain guidelines as to the basis on which a convict can be released prematurely and they are as under: (SCC p. 598, para 6)

“(i) Whether the offence is an individual act of crime without affecting the society at large.

(ii) Whether there is any chance of future recurrence of committing crime.

(iii) Whether the convict has lost his potentiality in committing crime.

(iv) Whether there is any fruitful purpose of confining this convict any more.

(v) Socio-economic condition of the convict's family.””

13. The order impugned is all mixed up regarding the criteria to follow in considering a case of nominal roll release. No doubt, along with the proposal, there is an opinion of the Judge, who convicted and sentenced the petitioner *vide* order dated 27.03.2009, and the opinion is against grant of premature release. The only discernible reasoning, that appears from the impugned order passed by the State Government, seems to be based on the nature of the crime and the conduct of the convict. A perusal of the report by the learned Judge shows that the report dated 02.07.2024 submitted by the learned Judge is based on enumeration of nine instances of jail offences committed by the convict during incarceration. No doubt, the report of the learned Judge is entitled to great weight while exercising powers of remission by the State Government, traceable to Section 432 of the Code read with Paragraph 180 of the U.P. Jail Manual, but the entire discretion of the Government has to be based on wider ground than the learned Judge's opinion, howsoever objective it might be.

14. A perusal of the jail report shows that the first of the jail offences that was committed by the petitioner was on 08.11.2011, followed by 15.01.2016, 17.08.2018, 22.11.2018, 27.11.2018 and 06.04.2023. Not all the offences show aggression. Some are violations of jail discipline and possession of things not authorized. We do not wish to comment on the conclusions to be drawn from the jail offences reported by the learned Judge, but we must say that on the basis of this report alone, the far wider considerations, that must weigh with the Government in deciding upon a plea for premature release, cannot be scuttled or restricted. A perusal of the impugned order does not at all show, if the Government in accordance with the guidelines in **Laxman Naskar** considered if the offence was an individual act of crime, which did not affect the society at large. They have also not considered if there is any chance of future recurrence of committing crime. The potentiality of the convict in committing the crime, whether it is there or lost, has not been considered. It has also not been examined, whether any fruitful purpose would be served by putting the petitioner in confinement anymore. The socio-economic conditions of the petitioner's family have not at all been examined. These are all relevant criteria, which must inform the Government's decision, as held in **Laxman Naskar**, before deciding upon a plea for premature release.

15. The reference to the premature release policy or the permanent policy on premature release is mostly besides the point, because that would properly be applicable to a case when considered by the Government advising the Governor, exercising his powers under Article 161 properly so-called, and not in the exercise of statutory powers under Section 432 of the Code read with Paragraph 180 of the U.P. Jail Manual. This is a case which is rightfully traceable to the mechanism of nominal roll, where the Government, on their own, exercise their statutory powers last mentioned. How wide should be the parameters of consideration

by the Government while dealing with a plea for premature release in exercise of their statutory powers, *vis-a-vis* the importance of the Presiding Judge's opinion, fell for consideration of the Supreme Court in **Rajo alias Rajwa alias Rajendra Mandal v. State of Bihar and others, 2023 SCC OnLine SC 1068**. In **Rajo alias Rajwa** (*supra*), it was held by the Supreme Court:

“19. In this court's considered view, overemphasis on the presiding judge's opinion and complete disregard of comments of other authorities, while arriving at its conclusion, would render the appropriate government's decision on a remission application, unsustainable. The discretion that the executive is empowered with in *executing* a sentence, would be denuded of its content, if the presiding judge's view - which is formed in all likelihood, largely (if not solely) on the basis of the *judicial* record - is mechanically followed by the concerned authority. Such an approach has the potential to strikes at the heart, and subvert the concept of remission - *as a reward and incentive encouraging actions and behaviour geared towards reformation* - in a modern legal system.

20. All this is not to say that the presiding judge's view is *only* one of the factors that has no real weight; but instead that if the presiding judge's report is only reflective of the facts and circumstances that led to the conclusion of the convict's guilt, and is merely a reiteration of those circumstances available to the judge at the time of sentencing (some 14 or more years earlier, as the case may be), then the appropriate government should attach weight to this finding, *accordingly*. Such a report, cannot be relied on as carrying predominance, if it focusses on the crime, with little or no attention to the *criminal*. The appropriate government, should take a holistic view of all the opinions received (in terms of the relevant rules), including the *judicial view* of the presiding judge of the concerned court, keeping in mind the purpose and objective, of remission.

21. The views of the presiding judge, are based on the record, which exists, containing all facts resulting in conviction, including the nature of the crime, its seriousness, the accused's role, and the material available *at that stage* regarding their antecedents. However, post-conviction conduct, particularly, resulting in the prisoner's earned remissions, their age and health, work done, length of actual incarceration, etc., rarely fall within the said judge's domain. Another factor to bear in mind, is that the presiding judge would not be the same presiding judge who had occasion to observe the convict (at a much earlier point in time) and thus form an opinion. The presiding judge, at this stage, would only look into the record leading to conviction. This judicial involvement in executive decision making is therefore, largely limited to the input it provides *regarding the nature of the crime, its seriousness, etc.* Undoubtedly, even at the stage of sentencing, the judge *ideally* is to exercise discretion after looking at a wide range of factors relating to the *criminal* and not just the *crime*; but as noticed in numerous precedents, *Sangeet* (*supra*); *Swamy Shraddananda (2) @ Mural Manohar Mishra v. State of Karnataka*, (2008) 13 SCC 767 : (2008) 11 SCR 93; *Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra*, (2009) 6 SCC 498 : (2009) 9 SCR 90; *Chhannu Lal Verma v. State of Chattisgarh*, (2019) 12 SCC 438 : (2018) 14 SCR 355; *Rajendra Pralhadrao Wasnik v. State of Maharashtra*, (2019) 12 SCC 460 : (2018) 14 SCR 585; and *Manoj v. State of Madhya Pradesh*, (2023) 2 SCC 353 : (2022) 9 SCR 452, that have dealt with sentencing in the commission of heinous crimes, this is unfortunately, often not the reality. Guidance has been offered by this court on how to mitigate this in recent years, but in this court's considered view, it is pragmatic to acknowledge that it will require time for our criminal justice system to incorporate, and uniformly reach such standards. In fact, earlier cases of conviction (such as the present one - in 2001), have an even lesser

probability of a judicial record which reflects consideration of such multi-dimensional factors at the sentencing stage; the lack of which should not serve as an obstacle to the convict seeking release (*after* serving almost two decades, or more), erasing the reformative journey they may have undertaken as a result of their long incarceration.

22. It has been repeatedly emphasized that the aim, and ultimate goal of imprisonment, even in the most serious crime, is reformative, after the offender undergoes a sufficiently long spell of punishment through imprisonment. Even while upholding Section 433A, in *Maru Ram v. Union of India*, (1981) 1 SCC 107, this court underlined the relevance of post-conviction conduct, stating whether the convict,

“Had his in-prison good behavior been rewarded by reasonable remissions linked to improved social responsibility, nurtured by familial contacts and liberal parole, cultured by predictable, premature release, the purpose of habilitation would have been served, If law—S. 433-A in this case—rudely refuses to consider the subsequent conduct of the prisoner and forces all convicts, good, bad and indifferent, to serve a fixed and arbitrary minimum it is an angry flat untouched by the proven criteria of reform.”

23. Another aspect of note in this case, is the report submitted by the Superintendent of Police in the second round (which is diametrically different from that which was submitted in the first round), was adverse. Without casting aspersions on the veracity of it, or questioning it on merits, it is appropriate to flag another concern in such a context. In each case, the appropriate government has to be cognizant of the latent (not always) prejudices of the crime, that the police as well as the investigating agency, may be citing - especially in a case such as the present one, where the slain victims were police personnel themselves, i.e., members of the police force. These biases may inform the report, and cannot be given determinative value. Doing so will potentially deflect the appropriate government from the facts relevant for consideration for premature release, and instead, focus almost entirely upon facts which evoke a retributive response.

24. Apart from the other considerations (on the nature of the crime, whether it affected the society at large, the chance of its recurrence, etc.), the appropriate government should while considering the potential of the convict to commit crimes in the future, whether there remains any fruitful purpose of continued incarceration, and the socio-economic conditions, review : the convict's age, state of health, familial relationships and possibility of reintegration, extent of earned remission, and the post-conviction conduct including, but not limited to - whether the convict has attained any educational qualification whilst in custody, volunteer services offered, job/work done, jail conduct, whether they were engaged in any socially aimed or productive activity, and the overall development as a human being. The Board thus should not entirely rely either on the presiding judge, or the report prepared by the police. In this court's considered view, it would also serve the ends of justice if the appropriate government had the benefit of a report contemporaneously prepared by a qualified psychologist after interacting/ interviewing the convict that has applied for premature release. The Bihar Prison Manual, 2012 enables a convict to earn remissions, which are limited to one third of the total sentence imposed. Special remission for good conduct, in addition, is granted by the rules [See Rules 405 and 413 of the Bihar Prison Manual, 2012]. If a stereotypical approach in denying the benefit of remission, which ultimately results in premature release, is repeatedly adopted, the entire idea of limiting incarceration for long periods (sometimes spanning a third or more of a convict's lifetime and in others, result in an indefinite sentence), would be defeated. This could result in a sense of despair and frustration among inmates, who might consider themselves reformed-but continue to be condemned in prison.”

16. The guidance in **Rajo alias Rajwa** would show that the Government's approach has to be far more broad based and holistic, though we must say that unlike the Judge's report in **Rajo**

alias Rajwa, the report here is not confined to the record of crime that led to the petitioner's conviction. It is based on his post conviction behaviour in Jail, but there are social and psychological aspects relating to the convict, who has suffered incarceration for a period of more than two decades now that merit consideration besides the socio-economic conditions of the family, the fact if any fruitful purpose would be served by the convict's continued incarceration and should inferences about his behaviour post release be drawn from the offences committed in the taxing surroundings of the prison, the possibility of the convict's reintegration into the society considering his age and other similar things. The Government could, subject the petitioner to a psychologist's evaluation to understand the possibilities of his behaviour post release. The factors that would ultimately lead the Government to a decision on the relief of premature release, would be far wider than the Judge's notes on the convict's behaviour in Jail during incarceration. Also, we cannot overlook the fact, which we have already mentioned, that the impugned order does not take into consideration the five guidelines in **Laxman Naskar**, which must be applied to his case while considering the plea for premature release.

17. The impugned order, in our considered opinion, cannot be sustained and the matter must go back to the Government for reconsideration.

18. In the result, this writ petition succeeds and is **allowed**. The impugned order dated 12.08.2025 passed by the State Government is hereby **quashed**. The Government are directed to pass fresh orders on the proposal for the petitioner's release, bearing in mind the guidance in this judgment. The fresh orders as aforesaid shall be made by the Government within the period of one month of receipt of a copy of this judgment.

19. There shall be no order as to costs.

20. Let a copy of this judgment be communicated to the Principal Secretary, Jail Administration and Reforms Services, U.P., Lucknow by the Registrar (Compliance).

(Tarun Saxena,J.) (J.J. Munir,J.)

August 10, 2026

Anoop