

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No. 2169/2022 in W.P.(Crl.) No. 36/2022

RAJKUMAR & ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

([FOR VERIFYING COMPLIANCE]

IA No. 130844/2022 - CLARIFICATION/DIRECTION

IA No. 107067/2023 - EXEMPTION FROM FILING O.T.

IA No. 36705/2023 - EXEMPTION FROM FILING O.T.

IA No. 179665/2022 - GRANT OF BAIL

IA No. 107066/2023 - INTERIM BAIL)

Date : 01-03-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Nagendra Singh, Adv.
Mr. Prateek Rai, Adv.
Mr. Naman Raj Singh, Adv.
Mr. Akash Choudhary, Adv.
Mr. K.k. Sharma, Adv.
Mr. Mukesh Kumar, Adv.
Dr. Amardeep Gaur, Adv.
M/S. V. Maheshwari & Co., AOR

Dr. Sushil Balwada, AOR

For Respondent(s) Mr. Ardhendumauli Kumar Prasad, Sr. A.A.G.
Mr. Vishnu Shankar Jain, AOR

Ms. Rashmi Nandakumar, AOR

Ms. Garima Prasad, Sr. A.A.G.

Mr. Pradeep Misra, AOR

Mr. Daleep Dhyani, Adv.

Mr. Suraj Singh, Adv.

Mr. Manoj Kumar Sharma, Adv.

Mr. Aravindh S., AOR

Ms. Ekta Moyal, Adv.

Mr. Rishi Malhotra, AOR (Amicus Curiae)

UPON hearing the counsel the Court made the following
O R D E R

We have heard Mr.Rishi Malhotra, the learned counsel appointed as Amicus Curiae by this Court, Ms. Garima Prasad, the learned senior counsel appearing for the Uttar Pradesh State Legal Services Authority (UPSLSA), Mr. Ardhendumauli Kumar Prasad, the learned senior counsel appearing for the State of U.P. and Ms. Rashmi Nandkumar, the learned counsel appearing for the National Legal Services Authority (NALSA).

This litigation originates from the prayer to quash the Policy dated 28.07.2021 as regards remission framed by the State of U.P. In the main matter the prayer is to quash the policy of 28.07.2021 of remission on the ground of being arbitrary and illegal. This Policy provided that the benefit of the remission could be extended only to a convict who has crossed the age of sixty years.

Mr. Malhotra, the learned amicus pointed out that the main prayer does not survive in view of the judgment rendered by this Court in Writ Petition (Crl.) No. 336 of 2019 titled "*Rashidul Jagar @ Chota vs. State of Uttar Pradesh*" decided on 06.09.2022.

In such circumstances, we need not now adjudicate the prayer as regards the legality and validity of the Policy dated 28.07.2021.

Ms. Rashmi Nandkumar, the learned counsel appearing for the NALSA pointed out that in the wake of the directions issued by

this Court all the States are duty bound to now adopt the e-module framed by the National Informatics Centre (NIC). In accordance with this e-module, each State has to upload the necessary information as regards the status of the convict, the number of years he has put in and such other details. She pointed out that all the States have started complying with the direction relating to the e-module. What is the last status is not known. In such circumstances, we direct the State of Uttar Pradesh to file an affidavit furnishing the details they have uploaded so far on the e-module as prepared by the NIC. Let this exercise be undertaken within a period of two weeks from today. Once the affidavit is ready, the State shall furnish one copy of the same to Ms. Rashmi Nandkumar so as to enable her to take further instructions in the matter.

Post the matter after four weeks.

(RAJNI MUKHI)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)