

ITEM NO.23+32 Court 9 (Video Conferencing)

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Item No.23

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 529/2021

(Arising out of impugned final judgment and order dated 19-10-2012 in CRA No. 118/2008 passed by the High Court Of Chhatisgarh At Bilaspur)

SONADHAR

Petitioner(s)

VERSUS

THE STATE OF CHHATTISGARH

Respondent(s)

(FOR ADMISSION AND I.R. MR. GAURAV AGRAWAL, ADVOCATE FOR NATIONAL LEGAL SERVICES AUTHORITY

IA No. 129912/2020 - EXEMPTION FROM FILING O.T.

IA No. 28195/2021 - EXEMPTION FROM FILING O.T.

IA No. 14743/2021 - EXEMPTION FROM FILING O.T.

IA No. 14741/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(Cr1) No. 514/2021 (II-C)

(Mr. Devansh A. Mohta, Advocate (Amicus Curiae) FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 10234/2021

IA No. 10234/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 01-03-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE HEMANT GUPTA

Mr. Neeraj Kumar Jain, AC

Mr. Devansh A. Mohta, Adv. ACuriae

For Petitioner(s) Ms. Liz Mathew, AOR

For Respondent(s) Mr. Gaurav Agrawal, AOR

Mr. Sumeer Sodhi, AOR

Mr. Hussain Ali, Adv.

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

SLP(Cr1.) No. 529/2021

We have heard learned counsel for the parties, including Mr. Gaurav Agrawal, Ms. Liz Mathew, Mr. Devansh A. Mohta, Mr. Sumeer Sodhi and Mr. Neeraj Kumar Jain, learned senior counsel.

The suggestions have been placed before us by three of the assisting counsels and it is agreed that all the five counsels will discuss between themselves if these suggestions need any additions or improvements.

We are of the view that the National Legal Services Authority [NALSA] should take up the task of having a comprehensive guideline in this behalf i.e. how the matter of seeking remission after serving minimum sentence as per the respective State policies should be dealt with, whether in narcotics matters there should a policy and if so, to what effect, how in matters of lesser sentence can legal assistance be provided when the cause arises rather than years later etc. Once the NALSA examines this issue and gives us a comprehensive report, subject to any suggestions of the Court, it may receive the imprimatur of the Court for a uniform application all over the country.

We are also informed in the aforesaid behalf that one of the detenus/convicts in Haryana one Shri Amit Mishra has prepared a software which the State Government of Haryana itself thought is worth implementing and is supposed to be quite comprehensive. The feasibility of adopting that on a country wide basis with modifications, if any, can also be explored.

One other aspect pointed out to us is that at times there are cases directly received by the Supreme Court from the jail and these are registered as jail cases but there appears to be a time lag between the registration of the case and the legal assistance being rendered in this behalf.

We call upon the concerned Registrar dealing with this issue to interact with NALSA in this behalf, so that, that aspect can also be ironed out.

List on 19.04.2021.

SLP(Cr1) No. 514/2021

The only point on merit urged by learned counsel for the petitioner is arising from the provisions of Section 50 of the NDPS Act.

List for hearing on this aspect on a non-miscellaneous Tuesday.

Insofar the other aspect in the present case is concerned, the admitted position is that the petitioner has served out the sentence of 10 years and has even served out about 6 months against the alternative sentence of one year for non-payment of fine, which he is unable to so pay.

In the given facts of the case, we consider appropriate to substitute the sentence of one year against non-payment of fine by the sentence of about 6 months, which the petitioner has already undergone and thus, the petitioner should be accordingly set free.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)