

Revised appearance

ITEM NO.31 Court 7 (Video Conferencing) SECTION PIL-W

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

SMW (C)No.1/2020

IN RE : CONTAGION OF COVID 19 VIRUS IN PRISONS Petitioner(s)

IA No. 63600/2021 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL  
VAKALATNAMA/OTHER DOCUMENT

IA No. 63602/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 63598/2021 - INTERVENTION APPLICATION)

Date : 01-06-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

Counsel for the parties :

By Courts Motion, AOR

Mr. Dushyant Dave, Sr. Adv. (A.C.)

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Mr. Abhishek Manchanda, Adv.  
Mr. Sayandeep Pahari, Adv.

Intervenor Mr. Nirmal Kumar Ambastha, AOR  
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Mr. Niteen Sinha, Adv.  
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Prasanna, Adv.  
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Mr. Prasanna S., AOR

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

I.A.No. 63598/2021:

Application for intervention is allowed.

I.A.No. 63602 of 2021:

This Interlocutory Application is filed for a direction to the High Powered Committee to issue a direction to all the prison authorities and Remission Boards to consider the release of prisoners who are eligible for remission in terms of Sections 432 and 433 A of Cr.P.C.

We have heard Mr.Dushyant Dave, learned Amicus Curiae and Mr.Shoeb Alam, learned counsel appearing for the applicant. The learned Amicus Curiae submitted that the State Governments and Union Territories should be directed to file affidavits giving particulars of the prisoners who have been released on parole/interim bail on the basis of the recommendations of the High Powered Committee. The

State Governments/Union Territories are directed to file an affidavit within a period of four weeks furnishing information about the number of prisoners released pursuant to the order dated 07.05.2021. The State Governments/Union Territories shall also provide information relating to the number of deaths in prisons due to Covid-19.

According to the applicant, pre-mature release of prisoners in exercise of the power conferred under Section 432 Cr.PC would assist decongestion of the over-crowded jails. The order dated 07.05.2021 passed by this Court pertains to parole and interim bail. The applicant has highlighted the disparities in the decisions taken by the High Powered Committees of various States. According to the applicant, the High Powered Committee of Himachal Pradesh has directed that cases of prisoners for pre-mature release can be considered, whereas the High Powered Committees of other States are not considering the issue of pre-mature release of the prisoners.

The non-consideration of the pre-mature release of prisoners by this Court in its order dated 07.05.2021 shall not deter the competent authorities to consider the pre-mature release of the prisoners in accordance with law.

The Registry is directed to furnish all papers that are filed in this case to the learned

Amicus Curiae. The learned counsel appearing for the parties are also directed to provide copies of all I.A.s and connected documents to the learned Amicus Curiae before the next date of hearing.

List the matter in the last week of July, 2021.

(B.Parvathi)  
Court Master

(Anand Prakash)  
Court Master

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