

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRIMINAL) NO. 62 OF 2013

LAZER

Petitioner(s)

:VERSUS:

STATE OF TAMIL NADU

Respondent(s)

O R D E R

Heard Mr. Dwarakanath, learned counsel appearing for the petitioner and Mr. Subramonium Prasad, learned counsel for the State of Tamil Nadu. This petition under Article 32 of the Constitution of India has been filed for release of the petitioner from jail on the ground that the petitioner has been inside jail for more than 26 years in view of his conviction under Section 302 of the Indian Penal Code and other charges. He has relied upon an order passed by a Bench of this Court in Writ Petition (Criminal) No. 38 of 2011(Harpal Singh Vs. State of Haryana & Anr.), to which one of

us (H.L. Gokhale, J) was a party. That was also a writ petition wherein the petitioner had undergone imprisonment for more than 20 years. We may, however, note that the condition of his health was placed before the Court and the State Government did not dispute the correctness of the certificates produced by him and it was in these circumstances that an order of release was passed.

2. Now, the law in this behalf has been clarified and the sentence for life is interpreted to mean sentence for the whole life of the convict concerned. The power, of course, remains with the State Government to remit the sentence as per rules if such an application is made to the State Government.

3. Mr. Subramonium Prasad, learned counsel for the State of Tamil Nadu states that there are many other difficulties as far as the petitioner is concerned, inasmuch as he did not return to the jail on six occasions when he was released on parole and also indulged into criminal activities when on parole. Be that as it may, it will be open to the

petitioner to apply to the appropriate Government under Section 432 of the Code of Criminal Procedure and then it is for the State Government to consider the application in accordance with law. Mr. Prasad assures us that if such an application is made, it will be considered and decided expeditiously.

The writ petition stands disposed of.

.....J
(H.L. GOKHALE)

.....J
(MADAN B. LOKUR)

New Delhi;
July 15, 2013.

JUDGMENT