

ITEM NO.5

COURT NO.4

SECTION II-C

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

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 17915/2024

[Arising out of impugned final judgment and order dated 25-11-2024 in WPCRL No. 1682/2023 passed by the High Court of Delhi at New Delhi]

SUKHDEV YADAV @ PEHALWAN

Petitioner(s)

VERSUS

THE STATE OF (NCT OF DELHI) & ORS.

Respondent(s)

[TO BE TAKEN UP IN FIRST FIVE CASES]

(IA Nos.28978/2025, 48540/2025 and 54824/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 22-04-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s): Mr. Siddharth Mridul, Sr. Adv.
Mr. Hemendra Jailia, Adv.
Ms. Madhurima Mridul, Adv.
Minnatullah, Adv.
Mr. Sanjay Baranwal, Adv.
Mr. Hemant Gulati, Adv.
Mr. Aditya Gulati, Adv.
Mr. Milind Kumar, AOR

For Respondent(s): Mrs. Archana Pathak Dave, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Rajan Kumar Chourasia, Adv.
Ms. Sweksha, Adv.
Ms. Priyanka Terdal, Adv.
Ms. Harshita Choubey, Adv.
Mr. Jagdish Chandra, Adv.

Ms. Aparajita Singh, Sr. Adv.
Ms. Vrinda Bhandari, AOR
Ms. Pragya Barsaiyan, Adv.
Ms. Anandita Rana, Adv.
Ms. Vanshita Gupta, Adv.

VERDICTUM.IN

Mr. Sanchar Anand, Adv.
Mr. Apoorva Singhal, AOR
Mr. Shiv Kumar, Adv.
Mr. Aman Kumar Thakur, Adv.
Mr. Abhishek Bhardwaj, Adv.

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

We started hearing this matter around 2:30 p.m. The order dated 24th February, 2025 passed by this Court reads thus:

"We have perused the judgment of the High Court dated 6th February, 2025 in Criminal Appeal No.145 of 2012. As regards the sentence awarded to the petitioner, in paragraph 881 of the operative part of the judgment, it is stated thus:

"Life imprisonment which shall be 20 years of actual imprisonment without consideration of remission, and fine of Rs.10,000/-."

The learned Additional Solicitor General appearing for the respondent State of Delhi states that even after completion of 20 years of actual imprisonment, the State Government will not release the petitioner, notwithstanding what is stated in paragraph 881 of the judgment of the High Court which has attained finality.

We direct the Secretary of the Home Department of the State of NCT of Delhi to file an affidavit making a statement on oath on the question whether after completing 20 years of actual sentence, the petitioner will be released. An affidavit to be filed by 28th February, 2025.

List on 3rd March, 2025."

(underlines supplied)

The order dated 28th March, 2025 reads thus:

"For considering the issue whether the petitioner is entitled to be released on completion of actual 20 years of incarceration, list on 22nd April, 2025 in first five cases.

As regards the decision of the Sentence Review Board, we permit the petitioner to challenge the same substantively.

We have seen in several cases concerning the grant of remission that either the assurances given on behalf of the Delhi Government are not complied

with or the orders of this Court are not complied with. For the time being, we accept the apology tendered by the Secretary."

(underlines supplied)

Though above two orders gave a clear notice to all the learned counsel appearing for the parties that this Court was to consider the interpretation of the operative part of the judgment of the High Court in paragraph 881. The reason is that this Court has a duty to uphold liberty under Article 21 of the Constitution of India. The relevant part of paragraph 881 reads thus:

"881 ...

(I)

For commission of offences under	Sentences awarded to each of Vikas Yadav & Vishal Yadav	Sentence awarded to Sukhdev Yadav
Section 302/34 IPC	Life imprisonment which shall be 25 years of actual imprisonment without consideration of remission, and fine of Rs.50 lakh each	Life imprisonment which shall be 20 years of actual imprisonment without consideration of remission and fine of Rs.10,000/-."

The learned senior counsel appearing for the petitioner completed his submissions. The learned ASG appearing for the State of NCT of Delhi, after making submissions for half an hour, raised a preliminary objection that the petitioner has not raised a plea in this Petition that he is entitled to be released after undergoing actual sentence of 20 years. Thus, the submission in short was that this Court cannot go into this question. As indicated in the earlier two orders, which we have quoted above, make it clear that we had put the learned counsel for the parties

VERDICTUM.IN

to the notice that the issue whether the petitioner is entitled to be released on completion of 20 years of incarceration will be considered today. While the learned ASG was arguing, we thought that the Advocates waiting for other cases should not be made to wait as remaining part of the day's time was likely to be consumed in this case. Therefore, at 3:15 p.m., we discharged the rest of the cases on the cause list and informed the members of the Bar that those cases will not be taken up. Fifteen minutes thereafter, this preliminary objection was raised by the learned ASG. Therefore, raising such a preliminary objection after arguing the case for half an hour especially in the light of the two orders which we have quoted above, is unfair to the other litigants whose cases were listed before this Court today. Since this strong objection has been raised, we permit the petitioner to amend the Petition for raising the contention noted in the earlier orders, though this amendment is strictly not required in view of our earlier orders. We direct the petitioner to file an amended petition within three days from today with an advance copy to the learned counsel representing the respondents.

Counter affidavit, if any, to be filed by 2nd May, 2025.

At this stage, there is an objection raised by the learned senior counsel appearing for the complainant to the appearance of the learned senior counsel appearing for the petitioner. It is for the learned senior counsel for the

petitioner to consider the said objection and take appropriate decision.

List the Petition on 7th May, 2025 in first five cases.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)