



2025 INSC 1198

Non-Reportable**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. of 2025
[@ SPECIAL LEAVE PETITION (CRL.) NO.8539 OF 2025]****Anilkumar @ Lapetu Ramshakal Sharma****...Appellant****Versus****The State of Maharashtra & Ors.****...Respondents****J U D G M E N T****K. VINOD CHANDRAN, J.**

Leave granted.

2. The appellant, a life convict, is seeking pre-mature release after almost 20 years of incarceration. The appellant approached the Government for remission of his life sentence upon which the Government procured a report from the Additional District Court, Greater Mumbai, which Court initially convicted the appellant and passed the sentence of imprisonment for life under Section 302 and 7 years rigorous

imprisonment under Section 307 of the Indian Penal Code¹; to be undergone concurrently. Based on the opinion of the learned Additional Sessions Judge that the act committed by the appellant falls within the purview of Category 4(d) of the 2010 guidelines framed for pre-mature release, the Government through its Home Department directed his release after 24 years. The appellant's contention is that he ought to have been released after 22 years.

3. We have heard learned counsel for the appellant and also the learned Government Advocate appearing for the respondents, who submitted that the guidelines are clear and the order is issued in tandem with the same. The appellant has to serve two more years for release is the contention.

4. We have seen the guidelines framed by the Government for considering remission. The appellant has been directed to be released after 24 years categorising him as a person who committed a murder jointly with another person, with premeditation. The appellant's contention is that he would fall

¹ For short 'IPC'

under Clause 3(b) which refers to a crime committed with premeditation individually or by a gang, of a murder arising inter alia out of family prestige.

5. The appellant along with second accused attacked the deceased and his friend. The attack was a premeditated one, on the motive as projected by the prosecution, that the deceased was in love with the appellant's sister, whose life is being spoiled by the love affair. The appellate Court has specifically noticed this and so has the Government in the impugned order. Hence, obviously the crime is one to uphold the family prestige, which in the given circumstances could mean the perceived tarnishing of the family's name, though not condonable, the appellant has a valid case for remission after almost 22 years of incarceration.

6. The custody certificate attached to the Writ Petition indicates that the appellant has been in custody for 20 years 7 months and 8 days as on 30.09.2024. The appellant has now been in custody for almost 22 years; short of three months. We find the appellant's contention to be valid that the category

under which the remission ought to have been considered was 3(b) under Government Resolution No. RLP No.1006/CR621/PRS-3 dated 15.03.2010.

7. We are also of the opinion that three months more in jail would make no difference; neither added solace to the family of the victim nor extra remorse to the accused, and we hence direct the release of the appellant forthwith, especially noticing the fact that the appellant was just past 18 years on the date of the crime.

8. The appeal stands allowed with the above directions.

9. Pending application(s), if any, shall stand disposed of.

..... CJL.
(B. R. GAVAI)

..... J.
(K. VINOD CHANDRAN)

**New Delhi;
October 07, 2025.**