



Serial No.12
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

W.P. (Crl.) No.5 of 2026

Date of Decision : 16.07.2026

Shri Suraj Gupta
S/o K. Gupta
Aged about 40 years
R/o Japishjiya, North
Lakhimpur District, Assam,
(Currently in jail)

..... Petitioner

-VERSUS

1. State of Meghalaya Represented
by Commissioner Secretary,
Home (Police) Department
Govt. of Meghalaya.
2. The Inspector General of Police
(prison) Government of
Meghalaya, East Khasi Hills
District.
3. The Superintendent, District
Prison Correctional Home
Shillong.

.....Respondents

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. S. Nongsiej, Adv.

For the Respondent(s) : Mr. N. D. Chullai, AAG. With
Ms. R. Colney, Adv.



Judgment and Order (Oral)

1. This writ petition has been filed challenging the impugned decision dated 04.02.2026 of the Sentence Review Committee rejecting the application for remission of sentence of the petitioner.
2. The petitioner was convicted by the Adhoc Judge, Fast Track Court, West Garo Hills District, Tura in Sessions Case No. 7 of 2026 u/s 302/364-A and was sentenced to life imprisonment vide order dated 10.12.2014. He was also convicted u/s 201 IPC and sentenced to 7 years rigorous imprisonment. The conviction and sentence of the petitioner was upheld in CrI. A. No. 2 of 2015 by this High Court vide judgment dated 14.05.2019.
3. The materials on record reveals that the petitioner was detained at District Prison and Correctional Home, Tura on 17.06.2006 and was transferred to District Prison and Correctional Home, Shillong on 12.08.2020. As per the record, the petitioner had served 19 years 7 months 18 days of imprisonment as on the date of consideration of his application for remission by the Sentence Review Committee.
4. Ms. S. Nongseij, learned counsel appearing for the petitioner submits that the rejection of prayer of the petitioner for premature release is highly illegal and arbitrary inasmuch as the same was not considered in accordance with the existing Remission Policy of the State and also the guidelines laid down by the Apex Court. She submits that the Sentence Review Committee mechanically rejected the prayer of the petitioner only on the ground that the petitioner was 40 years old, physically fit and his potential to commit further crime cannot be ruled out. She submits that the conclusion of the Sentence Review Committee about the apprehension of commission of further crime by the petitioner in future is not based on any materials on record. She further contends the recommendation of the Superintendent of District Prison and



Correctional Home, Shillong, which was in favour of the petitioner, was totally ignored by the Sentence Review Committee without assigning any reason. She submits that age cannot be sole consideration for deciding an application for remission. Relying on the decision of *Satish @ Sabbe V. The State of Uttar Pradesh*, (2020) INSC 567, the learned counsel submits that any assessment regarding predilection to commit crime upon release must be based on antecedents and conduct of the prisoner while in jail and not merely on his age. On the same point, the decision of *Zahid Hussein and Others V. State of W.B. and Another*, (2001) 3 SCC 750 is also relied on. Further, the case of *Laxman Naskar V. Union of India and Others*, (2000) 2 SCC 595 is cited by the learned counsel to contend that the prayer of premature release must be decided as per the Rules/Policy. She, therefore, submits that the impugned decision requires interference by this Court and the respondents may be directed to release the petitioner.

5. Mr. N.D. Chullai, learned AAG assisted by Ms. R. Colney, learned GA, on the other hand, submits that the rejection of the prayer for premature release of the petitioner is not solely based on the ground of age, but also on the ground of commission of gruesome crime of kidnapping and murder of a 9 (nine) years old boy for ransom which had shaken the society. By drawing attention of this Court to clauses 7 and 10 of the Remission Policy, 2026, the learned AAG submits that the finding of the committee is in tune with the criteria laid down in the Policy as the nature of the crime and its impact on society, more particularly, on victims of the offence was taken into consideration. He submits that the petitioner cannot seek remission as a matter of right and power to remit a sentence is discretionary. He submits that grant or non-grant of remission is the prerogative to be exercised by the competent authority and it is not for the convict to claim release as a matter of course. Taking into consideration the overall factors, the learned AAG submits that there is no illegality or infirmity in the decision taken by the Sentence Review



Committee and the writ petition is liable to be dismissed. In support of his submission, the learned AAG places reliance on the *decisions of Ranjan V. Home Department of Tamil Nadu and Ors., (2019) 14 SCC 114, Bilkis Yakub Rasool V. Union of India and Ors., (2024) 5 SCC 481 and Mafabhai Motibhai Sagar V. State of Gujarat and Ors., (2024) SCC Online SC 2982.*

6. A perusal of the impugned decision dated 04.02.2026 would show that the Sentence Review Committee while considering the application of the petitioner decided not to recommend the premature release of the petitioner primarily on the ground of his age, which was 40 years, and his physical fitness. It appears that the finding of the Committee that “the potential of the convict to commit further crime in future cannot be ruled out” was largely influenced by the age factor and physical fitness of the petitioner and no other reason. Though the Committee had taken cognizance of the fact that the crime committed by the petitioner was heinous in nature which had shaken the society, it appears that the recommendation of the Superintendent, District Prison and Correctional Home, Shillong with regard to the good conduct, maturity as an adult (in speech and deeds) and interest to upkeep peace and harmony during the period of petitioner’s incarceration was ignored without there being any reason or cause.

7. In *Zahid Hussain (Supra)*, at para 14, the Apex Court held:-

“14. We may state here that the jail authority recommended premature release of the writ petitioners. In our opinion, the conduct of the petitioners while in jail is an important factor to be considered as to whether they have lost their potentiality in committing crime due to long period of detention. The views of the witnesses who were examined during trial and the people of the locality cannot determine whether the petitioners would be a danger to the locality, if released prematurely. This has to be considered keeping in view the conduct of the petitioners during the period they were undergoing sentence. Age alone cannot be a factor while considering whether the petitioners still have



potentiality of committing crime or not as it will depend on changes in mental attitude during incarceration.”

8. Further, in *Satish @ Sabbe (Supra)*, The Apex Court while reaffirming the above proposition in *Zahida Hussain (Supra)* case, at para 18, held:-

“18. It would be gainsaid that length of the sentence or the gravity of the original crime can’t be the sole basis for refusing premature release. Any assessment regarding predilection to commit crime upon release must be based on antecedents as well as conduct of the prisoner while in jail, and not merely on his age or apprehensions of the victims and witnesses. As per the State’s own affidavit, the conduct of both petitioners has been more than satisfactory. They have no material criminal antecedents, and have served almost 16 years in jail (22 years including remission). Although being about 54 years in jail and 43 years old, they still have substantial years of life remaining, but that doesn’t prove that they retain a propensity for committing offences. The respondent-State’s repeated and circuitous reliance on age does nothing but defeat the purpose of remission and probation, despite the petitioners having met all statutory requirements for premature release.”

9. There is no dispute to the assertion of the learned AAG that a convict cannot seek remission as a matter of right and it is the discretion of the competent authority of the State to take a decision, but at the same time it cannot be said that such discretion can be exercised in an arbitrary manner. The law laid down by the Apex Court in the above noted cases mandate that the antecedent as well as conduct of the convict while in jail must be given due weightage while taking a decision on the premature release of the convict. Age, physical fitness of the convict and gravity of the crime committed cannot be the only factors for consideration. Any assessment with regard to the potential of the convict to commit crime in future would depend on changes in mental attitude during incarceration.



10. It is clear from the impugned decision dated 04.02.2026 that the recommendation of the Superintendent of District Prison and Correctional Home, Shillong was taken note of by the Sentence Review Committee. The contents of the recommendation of the Superintendent, as reflected in the impugned decision dated 04.02.2026, with regard to conduct, maturity and interest of the petitioner during the period of incarceration was favourable to the petitioner. However, the Sentence Review Committee has not assigned any reason or justification for not acting on the basis of recommendation of the Superintendent, District Prison and Correctional Home, Shillong. The impugned decision, as such, is not tenable in the eye of law.

11. For what has been discussed above, the impugned decision dated 04.02.2026 of the Sentence Review Committee with respect to the petitioner is set aside and quashed. The matter is remitted back to the Sentence Review Committee for reconsideration of the premature release of the petitioner in the light of the observation made above and also in terms of the related decisions of the Apex Court and the Remission Policy of the State. The Sentence Review Committee shall reconsider and decide the matter within a period of 30 days from the date of receipt of the copy of this Judgment and Order.

12. With the above, the writ petition stands disposed of. No Costs.

Judge

Meghalaya
16.07.2026
"Ahinandan,PS"