

ITEM NO.51

COURT NO.12

SECTION II-B

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 8750/2026

[Arising out of impugned judgment and order dated 27-07-2023 in JCRLA No. 88/2009 passed by the High Court of Orissa at Cuttack]

KALIA @ BAULA SINGH

Petitioner(s)

VERSUS

STATE OF ORISSA

Respondent(s)

IA No. 106700/2026 - EXEMPTION FROM FILING O.T.

Date : 14-08-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) Mr. Syed Abdul Haseeb, AOR
Ms. Iram Majid, Adv.
Mr. Nishant Kumar, Adv.
Mr. Goutham.m.s., Adv.
Mr. Tabish Zia, Adv.
Mr. Tanveer Zaki, Adv.

For Respondent(s) Ms. Garima Jain, AOR (through VC)
Mr. Mohit Singh, Adv.

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

1. Heard Ms. Iram Majid, learned counsel for the petitioner and Ms. Garima Jain, learned counsel for the State.
2. The present petition calls in question the correctness of the judgment/order dated 27-07-2023 in JCRLA No. 88/2009 passed by the High Court of Odisha at Cuttack. By the said judgment/order, the High Court confirmed the judgment passed

by the Sessions Judge, Mayurbhanj, Baripada, Odisha in S.T.Case No.204/2007 dated 31.07.2009 which judgment convicted the petitioner for the offence punishable under Section 302 of the Indian Penal Code, 1860 and sentenced him to undergo rigorous imprisonment for life with fine of Rs.1,000/- and in default thereof, to undergo rigorous imprisonment of one month. Being aggrieved, the petitioner is before us.

3. When the matter came up on 04.05.2026, this Court made the following order

"1. Delay condoned.

2. Having heard Ms. Iram Majid, learned counsel for the petitioner, we are not inclined to interfere with the impugned order.

3. At this stage, learned counsel for the petitioner submits that petitioner has undergone 19 years in custody and that he is entitled to remission.

4. To consider the question of remission, let a copy of this petition be given to the learned Standing Counsel for the State of Odisha, returnable on 26th May, 2026.

5. Learned counsel for the State may take instruction about the aspect of remission under the applicable Rules of the State concerned and be ready with the matter on that aspect on the said date."

4. As is clear, though we were not inclined to interfere with the impugned judgment/order, considering the submission of the learned counsel for the petitioner that the petitioner has already undergone 19 years in custody as on 04.05.2026, we wanted from the learned Standing Counsel to take instructions and to report to us about considering the case of the

petitioner under the applicable Rules for remission.

5. When the matter came up on 13.07.2026, the learned Standing Counsel reported that the case of the petitioner will be considered under the remission Rules.

6. Today, an affidavit has been filed by the State annexing the proceeding of the special meeting of the State Sentence Review Board (for short, 'SSRB') held on 05.08.2026.

7. All that is mentioned, insofar as the consideration of the case of the petitioner for remission, is as follows: -

"A detailed discussion was held with regard to the crime committed by the Life Convict Kalia @ Baula Singh and also about the views offered by the district authorities of Mayurbhanj. As per the district authorities of Mayurbhanj, during enquiry it was ascertained that if the convict to be released on premature release he may be prejudicial to the public peace and tranquillity in his locality and may be absconded after committing any further offence as learnt reliably during local and confidential enquiry. As a result, the district authorities have not recommended his case for premature release.

The Board felt it cogent and unanimously rejected the case of Life Convict Kalia @ Baula Singh of Circle Jail, Baripada for premature release from Jail."

8. Learned counsel for the State submits that detailed reasons have been set out in the affidavit filed by the State about the justification for declining the case of the petitioner for remission.

9. We have perused the said affidavit. The affidavit makes a vague reference to a confidential ground-level inquiry

reporting that the convict's premature release is likely to be prejudicial to public peace and tranquility. The very same affidavit states that for the last 19 years, the convict has never been released on any kind of leave and also that two of his three sons have passed away. It states that socio-economic reintegration support from the third son, who is a daily labour with no landed property is inadequate. There is no reference to any particular rule in the remission rules which disables the petitioner from being released on remission. We find the reasons set out in the minutes of SSRB dated 05.08.2026 are wholly unsatisfactory. There is a reference to the inquiry by the District Authorities. As to which authority conducted the inquiry and on what basis the inquiry report concluded against the release has not been discussed. None of the relevant considerations have been adverted to.

10. Under these circumstances, we are left with no option but to direct that the SSRB to consider the case of the petitioner for remission afresh under the remission rules after carefully adverted to all the relevant considerations.

11. Let the needful be done within a period of eight weeks from today.

12. We set aside the proceedings of the Special Meeting of the SSRB dated 05.08.2026 and direct the SSRB to consider the case of the petitioner, *de novo*.

13. Let a compliance affidavit along with the proceedings of SSRB be placed before this Court on or before 16.10.2026.

14. List on 26.10.2026.

(NIRMALA NEGI)
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)
COURT MASTER (NSH)