

R-116/15

URGENT
Compliance to
Hon'ble Supreme Court Order

No.F.13 (51)-PD/14/307
GOVERNMENT OF TRIPURA
HOME DEPARTMENT

Dated, Agartala, the 18th September, 2015

To
The Director General of Police
Tripura, Agartala.

The Secretary,
Home (Jail) Department,
Government of Tripura

Subject: - Transmission of the Order dated 23.07.2015 passed by Hon'ble Supreme Court of India in Writ Petition (C) No.48 of 2014(Union of India -Vs- Sriharan @Murgan & Ors.).

Sir,

In continuation of our earlier letter of even number dated 3rd August, 2015, I am directed to send you with a corrected copy of the Order dated 23.07.2015 passed by Hon'ble Supreme Court of India in connection with the Writ Petition (C) No.48 of 2014(Union of India -Vs- Sriharan @Murgan & Ors.) as received from Assistant Registrar, Hon'ble Supreme Court of India and to request you to kindly take necessary action for compliance of the aforesaid order passed by the Hon'ble Court.

Encl: As Stated.



Yours faithfully,

Arup Deb
(Arup Deb) 18/9/15
Under Secretary to the
Government of Tripura

For the file
ATG

see legal cell
Prig

SUPREME COURT
INDIA
NEW DELHI
D.No.1203/2014/X
JULY 29, 2015

All Communications should be addressed to the Registrar, Supreme Court by designation, NOT by name

No. 2823-15/15



FROM: ASSISTANT REGISTRAR
SUPREME COURT OF INDIA
TO:

1. THE CHIEF SECRETARY,
STATE OF ASSAM,
GUWANATI, ASSAM.
2. THE CHIEF SECRETARY,
STATE OF ARUNACHAL PRADESH,
ITANAGAR (ARUNACHAL PRADESH)
3. THE CHIEF SECRETARY,
STATE OF NAGALAND,
KOHIMA (NAGALAND).
4. THE CHIEF SECRETARY,
STATE OF MIZORAM,
AIZWAL, MIZORAM.
5. THE CHIEF SECRETARY,
STATE OF MEGHALAYA,
SHILLONG (MEGHALAYA).
6. THE CHIEF SECRETARY,
STATE OF TRIPURA,
AGARTALA (TRIPURA).
7. THE CHIEF SECRETARY,
STATE OF MANIPUR,
IMPHAL (MANIPUR).
8. THE CHIEF SECRETARY,
STATE OF ANDHRA PRADESH,
HYDERABAD (A.P)
9. THE CHIEF SECRETARY,
STATE OF BIHAR,
PATNA (BIHAR).
10. THE CHIEF SECRETARY,
STATE OF CHHATTISGARH,
RAIPUR.
11. THE CHIEF SECRETARY,
STATE OF HARYANA,
CHANDIGARH.
12. THE CHIEF SECRETARY,
STATE OF PUNJAB,
CHANDIGARH.

*Secretary
Secy, Home (Jail)*

** AS (H)
This case earlier
also pl. prev. 12-8-15*

*RECEIVED
26/8/15*

*2823-3626 (H) P.15
6/8/15*

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13. THE CHIEF SECRETARY,
STATE OF GUJARAT,
GANDHINAGAR (GUJARAT).
 14. THE CHIEF SECRETARY,
STATE OF KARNATAKA,
BANGALORE (KARNATAKA).
 15. THE CHIEF SECRETARY,
STATE OF KERALA,
THIRUVANANTHAPURAM.
 16. THE CHIEF SECRETARY,
STATE OF ORISSA,
BHUBANESWAR (ORISSA).
 17. THE CHIEF SECRETARY,
STATE OF JHARKHAND,
RANCHI.
 18. THE CHIEF SECRETARY,
UNION TERRITORY OF PUDUCHERRY,
PUDUCHERRY ADMINISTRATION,
PUDUCHERRY.
 19. THE CHIEF SECRETARY,
STATE OF TAMIL NADU,
CHENNAI, (TAMIL NADU).
 20. THE CHIEF SECRETARY,
STATE OF UTTAR PRADESH,
LUCKNOW (U.P.).
 21. THE CHIEF SECRETARY,
STATE OF WEST BENGAL,
KOLKATA (WEST BENGAL).
 22. THE CHIEF SECRETARY,
STATE OF MAHARASHTRA,
MUMBAI.
 23. THE CHIEF SECRETARY,
STATE OF JAMMU AND KASHMIR,
SRINAGAR (J & K)
 24. THE CHIEF SECRETARY,
STATE OF MADHYA PRADESH,
BHOPAL (M.P.)
 25. THE CHIEF SECRETARY,
GOVT. OF NCT OF DELHI,
NEW DELHI.
 26. THE CHIEF SECRETARY,
STATE OF GOA, PANAJI (GOA).

27. THE SECRETARY,
STATE OF HIMACHAL PRADESH,
SHIMLA
28. THE CHIEF SECRETARY,
STATE OF RAJASTHAN,
JAIPUR (RAJASTHAN)
29. THE CHIEF SECRETARY,
STATE OF SIKKIM,
GANGTOK (SIKKIM)
30. THE CHIEF SECRETARY,
STATE OF TELANGANA,
HYDERABAD.
31. THE CHIEF SECRETARY,
UNION TERRITORY OF DAMAN AND DIU,
DAMAN AND DIU ADMINISTRATION, DAMAN.
32. THE CHIEF SECRETARY,
UNION TERRITORY OF DADRA AND NAGAR HAVELI,
DADRA AND NAGAR HAVELI ADMINISTRATION,
DADRA.
33. THE CHIEF SECRETARY,
UNION TERRITORY OF CHANDIGARH,
CHANDIGARH ADMINISTRATION,
CHANDIGARH.
34. THE CHIEF SECRETARY,
UNION TERRITORY OF LAKSHADWEEP,
LAKSHADWEEP ADMINISTRATION,
KAWARATTI.
35. THE CHIEF SECRETARY,
UNION TERRITORY OF ANDAMAN AND NICOBAR ISLANDS,
ANDAMAN AND NICOBAR ISLANDS ADMINISTRATION,
PORT BLAIR.
36. THE CHIEF SECRETARY,
STATE OF UTTARAKHAND,
DEHRADUN.
37. THE SUPERINTENDENT,
VELLORE CENTRAL PRISON,
VELLORE, TAMIL NADU.

WARRANT PETITION (CIVIL) Nos. 48, 66, 150 & 185 OF 2014
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

WITH

CRIMINAL MISC. PETITION NO. 5089 OF 2014

1. (APPLICATION FOR STAY IN W.P. NO. 48 OF 2014)

UNION OF INDIA ETC.

-VERSUS-

V. SRINIVAS MURUGAN & ORS. ETC.

...PETITIONER

...RESPONDENTS

Sir,

In continuation of this Registry's letter dated 27.07.2014 enclosing therewith the earlier signed order dated 23.07.2015, I am further directed to forward herewith a Certified copy, of Signed Order of this Court dated 23.07.2015, passed in the matters above-mentioned for your information, necessary action and compliance.

Further, your attention is invited at page no. 3, para 4(iii) of the order and now the said para is in corrected form.

Please ensure the compliance of the order and acknowledge receipt.

Yours faithfully,


ASSISTANT REGISTRAR

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Certified to be true copy

Assistant Registrar (Judl)

21-7-2014
Supreme Court of India

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL/APPPELLATE JURISDICTION

WRIT PETITION (CRL.) NO.48 OF 2014

221537

UNION OF INDIA ... PETITIONER (S)

VERSUS

V. SRIPARAN @ MURUGAN AND ORS. ... RESPONDENT (S)

WITH

WRIT PETITION (CRL.) NO.185 OF 2014

WITH

WRIT PETITION (CRL.) NO.150 OF 2014

WITH

WRIT PETITION (CRL.) NO.66 OF 2014

AND WITH

CRIMINAL APPEAL NO.1215 OF 2011

O R D E R

WRIT PETITION (CRL.) NO.48 OF 2014:

1. Vide order dated 09.07.2014, we had restrained the State Governments from exercising their powers of remission and commutation of

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sentence under Sections 432 and 433 of the Code of Criminal Procedure, 1973 to life convicts. The relevant paragraph of the order passed by this Court reads as under:

"... In the meanwhile, the State Governments are restrained from exercising power of remission to life convicts".

2. We had issued notice to all the State Governments through their standing counsel.

3. After hearing the arguments advanced by learned counsel for the respective State Governments for some time, we are of the considered view that our order dated 09.07.2014 requires to be modified.

4. Accordingly, we modify our order dated 09.07.2014, whereby we had restrained the State Governments from exercising power of remission or

commutation to life convicts. The said order dated 09.07.2014 shall only apply to cases:

i) where life sentence has been awarded specifying that -

(a) the convict shall undergo life sentence till the end of his life without remission or commutation;

(b) the convict shall not be released by granting remission or commutation till he completes a fixed term such as 20 years or 25 years or like.

ii) where no application for remission or commutation was preferred, or considered suo motu by the concerned State Governments/ authorities.

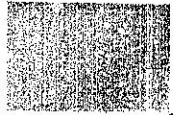
* iii) where the investigation was conducted by Central Investigative Agency like the Central Bureau of Investigation.

iv) where the life sentence is under any central law or under Section 306 of the Indian Penal Code, 1860 or any other similar offence.

5. However, we clarify that the President of India in exercise of his powers under Article 72 of the Constitution of India and the Governors of the States in exercise of their powers under Article 161 of the Constitution of India are not prevented from exercising their power(s), insofar as the cases referred to in Para 4 above are concerned.

6. We further make it clear that this order shall not be applicable to the respondents in Writ Petition (Crl.) No.48 of 2002.

7. It is also clarified that this order is subject to the final orders that may be passed by us while answering the Referral order.



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8. The order passed by us today shall be communicated by the Registry of this Court to all the State Governments and Union Territories.

9. Accordingly, Criminal Miscellaneous Petition Nos. 11421 of 2014, 11111 of 2015 and 11179 of 2015 are disposed of.

.....CJI
(H.L. DATTU)

.....J.
(SAJJID MOHAMMED IBRAHIM KALIFULLA)

.....J.
(SUNAMI CHANDRA CHOSE)

.....J.
(SHEKH MANOHAR SAPRE)

.....J.
(SUDAN UMESH LALIT)

NEW DELHI,
JULY 23, 2015.