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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 29th October, 2026***

\# **CNR No. DLHC010517352026**

\+ W.P.(CRL) 3378/2026 & CRL.M.A. 33755/2026

RAJU CHHAKA .....Petitioner

Through: Mr. Siddharth Satija, Ms. Sowjhanya Shankaran, Mr. Akash Sachan, Ms. Anuka Bachawat, Ms. Charu Sinha, Ms. Akanksha Bisht, Mr. Raghav Gupta, Mr. Sriharsh Raj and Ms. Shashankaa Tewari, Advs.
Mob: 9945469905
Email: sowjhanya.shankaran@gmail.com

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Amol Sinha, ASC (Criminal) for the State, along with Mr. Kshitiz Garg, Mr. Ashvini Kumar and Mr. Nitish Dhawan, Advs.
Mob: 9910847958
Email: amolsinha.associates@gmail.com
Mr. Harsh, SI, PS Paharganj.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. *(Oral):*

1. The present petition has been filed under Article 226 of the Constitution of India, 1950 ("Constitution"), read with Section 528 of the Bharatiya

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Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking issuance of a writ in the nature of *certiorari* quashing the order dated 09th March, 2026, passed by the Government of NCT of Delhi ("GNCTD"), Home (General) Department, pursuant to the Minutes of Meeting ("MoM") dated 14th January, 2026, of the Sentence Review Board ("SRB").

2. A further prayer is made for issuance of a writ in the nature of *mandamus* directing the respondent to order the premature release of the petitioner, who was sentenced to rigorous imprisonment for life *vide* order on sentence dated 10th June, 2016, passed by the Additional Sessions Judge, Special Fast Track Court-2, Central District, Tis Hazari Courts, Delhi, in the case arising out of the First Information Report ("FIR") being *FIR No. 17/2014*, registered at Police Station ("PS") Paharganj, Delhi, under Sections 376D/366/342/395/397/412/506/34 of the Indian Penal Code, 1860 ("IPC"), and Section 25 of the Arms Act, 1959 ("Arms Act").

3. Learned counsel appearing for the petitioner relies upon the judgment dated 10th August, 2026, passed by this Court in *W.P.(CRL.) 2875/2025*, titled as *Ramesh Versus State (NCT of Delhi) & Anr.*, and another connected petition, with specific reference to paragraph 53 of the said judgment.

4. He further draws the attention of this Court to the MoM dated 14th January, 2026, wherein, the only basis upon which the SRB has rejected the application of the petitioner for premature release, is the heinous nature of the crime committed by him.

5. Issue notice. Notice is accepted by learned Additional Standing Counsel ("ASC") appearing for the State.

6. Learned ASC appearing for the State submits that in case an application of a convict for premature release is rejected, the same can be reconsidered

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by the SRB in terms of any directions that may be passed by this Court.

7. Having heard learned counsels appearing for the parties, this Court notes the contents of the MoM dated 14th January, 2026, whereby the application for premature release of the petitioner was rejected by the SRB in the following manner:

"xxx xxx xxx

(ii) Sentence details:

Raju Chhaka S/o Sh. Om Prakash is undergoing life imprisonment in case FIR No. 17/2014, U/S 376-D/366/342/395/397/412/506/34 IPC & 25 Arms Act, P.S. Paharganj, Delhi for robbing and committing gang rape with a Danish lady/tourist (age – 51 years).

(iii) Deliberation:

As on 30.09.2025, the convict has undergone imprisonment for a period of 11 years, 06 months, and 23 days in actual custody and 15 years and 02 months including remission. During the course of his incarceration, the convict has availed parole on 01 occasion, and furlough on 11 occasions.

As per the police report dated 27.11.2025, the premature release of the convict has been strongly opposed, keeping in view the fact that the convict is involved in the heinous crime of robbery with rape.

In the present case, the convict was involved in committing robbery and rape with a Danish lady/tourist with the assistance of co-inmates, which clearly establishes the serious, heinous, and grave nature of the offence. Such an offence cannot be considered for leniency, particularly in view of the larger interest of society. While examining cases for premature release, the Board is required to balance the interests of the convict with the societal impact and public safety, and the latter cannot be overlooked or compromised.

Upon a cumulative assessment of these above mentioned factors, the Board is of the considered opinion that the possibility of recidivism cannot be ruled out at this stage. Further, on an overall evaluation of the societal impact of the offence, the likelihood of repetition, the extent of reformation achieved, and the question of whether further incarceration would serve a meaningful purpose, the Board finds the case not fit for premature release.

xxx xxx xxx"

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8. Perusal of the aforesaid MoM clearly shows that at the time of considering the application of the petitioner, the sole consideration of the SRB was the serious, heinous, and grave nature of the offence for which he was convicted.

9. However, this Court notes that the guidelines, as contained in the Delhi Prison Rules, 2018 ("DP Rules"), and the various principles for the grant of premature release, as laid down in a catena of judgments, have not been taken into account by the SRB at the time of considering the application of the petitioner for premature release.

10. In particular, this Court notes the judgment dated 10th August, 2026, passed by this Court in *W.P.(CRL.) 2875/2025* and another connected petition, wherein, it has been stated as follows:

> *"xxx xxx xxx*
>
> 53. Upon a conspectus of the legal landscape emerging from the judicial precedents cited, this court would elucidate the concept of remission in the following words:
>
> 53.1. The concept of 'remission' embedded in section 432 of the Cr.P.C. concerns the shortening, by the State, of the sentence imposed by a court of law. Remission does not affect the guilt of a convict as established at the trial, nor does it affect the sentence as such; it affects only the execution of the sentence.[30]
>
> 53.2. To be sure, remission is neither pardon nor amnesty - that is to say, it is not a general pardon, nor a reprieve, nor a respite, nor a commutation of sentence.[31]
>
> 53.3. Several considerations have been enunciated by the courts for remission of sentence based on the statutory provisions, the 2004 Guidelines, and the Delhi Prison Rules, which may be summarised as follows:
>
> (a) the 'propensity' of the convict to commit an offence again, which is to be assessed on the basis of the convict's jail conduct as well as their antecedents;
>
> (b) the purpose that would be served by the continued confinement of the convict in prison, including whether the convict continues to pose a danger to society; and

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(c) the socio-economic condition of the convict's family arising from his continued incarceration.[32]

53.4. The gravity of the original offence and the length of the sentence imposed by the court are, by themselves, not relevant considerations while deciding a plea for premature release. The gravity of the original offence and the length of the sentence imposed are static and historical facts, which neither the convict nor the passage of time can alter. Were these considerations to be treated as dispositive of a plea for premature release, no convict would ever qualify for premature release.[33]

53.5. Baseless and unsubstantiated apprehension on the part of the victims or witnesses is also not a criterion that is dispositive of a request for premature release. Any assessment regarding the predilection of a convict to commit crime upon release must not be based merely on the apprehensions of victims and witnesses but on the convict's antecedents and conduct while in jail.[34]

53.6. Legitimate penological grounds for continued incarceration would aim for a *balance* between punishment, deterrence, protection of the public, and rehabilitation of the convict. A policy under which punishment becomes progressively greater with the passage of time - as it invariably would in the case of a life sentence - would not comport with the loftier concept of justice, but would descend into

53.7. The consideration that, if a person convicted for a heinous offence were to be prematurely released, a "wrong" or "negative" message would go out to society against the justice system, is *not* a relevant factor, and is a consideration *de hors* the statutory criteria.[36]

53.8. The pre-conviction and post-conviction periods are *two separate and distinct* phases for purposes of considering a plea for premature release. It is the convict's conduct in the post-conviction phase that is relevant for purposes of Rule 1244 of the Delhi Prison Rules. In view of the said Rule, the post-conviction conduct of a convict is the principal indicator of reformation while assessing the desirability of premature release, and in the absence of contemporary and cogent evidence to the contrary, sustained good conduct in custody cannot be ignored or discounted.[37]

53.9. The SRB is bound by the principles enunciated in the 2004 Guidelines, from which its discretion to grant or deny premature release emanates; and such discretion must be exercised in a *just and reasonable* manner, after due and proper consideration of all *relevant* material.[38]

xxx xxx xxx"

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11. Thus, it is manifest that the various principles for the purpose of considering an application for premature release have not been considered by the SRB at the time of rejecting the application of the petitioner.

12. Accordingly, considering the facts and circumstances of the present case, the present matter is remanded back to be considered by the SRB at its next meeting, whenever the same is held, in the near future.

13. The SRB shall consider the various principles, as given in the aforesaid judgment reproduced hereinabove, at the time of adjudicating the application of the petitioner.

14. The concerned Jail Superintendent is directed to forward the case of the petitioner to the SRB, so that the same is considered at the next meeting of the SRB.

15. With the aforesaid directions, the present petition is accordingly allowed and disposed of.

16. The pending application also stands disposed of.

17. A copy of this order be sent to the concerned Jail Superintendent for information and necessary compliance.

MINI PUSHKARNA, J

OCTOBER 29, 2026/SK

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