

Yogender Kumar

Vs

Delhi Administration and Another

Writ Petition (Criminal) No. 1193 of 1982

(V. D. Tulzapurkar, Baharul Islam JJ)

12.11.1982

ORDER

1. Heard counsel on either side. We find that the case of the petitioner was recommended for release by the Superintendent of Jail on his completion of 10 years of imprisonment inclusive of remission since he was below the age of 20 years at the date of the commission of the offence. It appears that the only ground on which his release has not been ordered and consideration of his case deferred is that the Sentence Revising Board is yet to ascertain his date of birth and the proof of age at the date of the commission of offence. Obviously the material in this respect would be with the authorities (i) the judgment of the trial court where the age must have been mentioned and (ii) when he was admitted to jail as a convict under Rule 101 his age must have been noted on his case papers. It is, therefore, clear that there is no sufficient reason why his case for release should not have been disposed of by now. We, therefore, issue a mandamus directing that the petitioner be released forthwith. In case on the ascertainment of age it is discovered that he was not below the age of 20 years at the date of the commission of offence it will be open to the Delhi Administration to move the court in that behalf when the proper orders should be passed.

2. Writ petition is disposed of accordingly.

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