

COURT No.3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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MA 4251/2022 in OA 2519/2021

Ex Swr Ramniwas thru Pairokar

Ravinder Kumar

..... Applicant

VERSUS

Union of India and Ors.

..... Respondents

For Applicant : Mr. Ajai Bhalla, Advocate

For Respondents : Mr. Satya Ranjan Swain, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER

23.03.2023

On behalf of the respondents has been submitted a copy of the order dated 21.03.2023 no. C/04812/PR/VOL-I/DV-3(B)/6192/DMA(AG-1) on behalf of the Government of India, Ministry of Defence, Department of Military Affairs, where in terms of Section 433A of CrPC, 1973, the relief sought by the applicant for premature release has been declined as per reasons detailed in Para 7 of the said communication which reads to the effect:-

"7. AND WHEREAS, Section 433A of the Code of Criminal Procedure, 1973 provides that where a sentence of death imposed on a person has been commuted into that of imprisonment for life, he shall not be released from prison unless he has served minimum 14 years of imprisonment. In the instant case, the actual imprisonment undergone by the

petitioner is more than 20 years. However, it is settled law that a convict serving a life sentence does not have an indefeasible right to be released on completion of 20 years of imprisonment. A convict undergoing life imprisonment is expected to remain in custody till the end of his life. Moreover, considering the nature and gravity of the offence, wherein the petitioner has been convicted for the murder of four of his comrades coupled with the fact that the Court Martial had awarded him death sentence which was later commuted by Central Government to 'Imprisonment for life', the case of the petitioner does not merit his premature release at this stage."

The MA 4251/2022 is thus disposed of with liberty to the applicant to seek redressal, if any, in accordance with law.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)