

Salim Ahmed Vs. State

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Court : Delhi

Decided On : Aug-19-1997

Reported in : 1997VAD(Delhi)458; 68(1997)DLT350; 1997(42)DRJ646

Judge : Jaspal Singh, J.

Appeal No. : Criminal Writ Appeal No. 470 of 1997

Appellant : Salim Ahmed

Respondent : State

Advocate for Pet/Ap. : L.R. Luthra, Adv

Judgement :

Jaspal Singh, J.

(1) The petitioner who was sentenced to imprisonment for life, has already undergone incarceration for more than 14 years. It appears that the Delhi Administration on the recommendations of the Sentence Revising Board has remitted the unexpired portion of the sentence subject to the condition that the executes a personal bond in the sum Rs. 10,000.00 with two sureties in the like amount to the satisfaction of the District Magistrate, Delhi for keeping good behavior and maintaining peace during the unexpired portion of his sentence.

(2) The petitioner says that he will never be able to enjoy the fruits of the order as he is not in a position to furnish sureties. He tells me that his long and dreary years of incarceration saw the death of his parents and severing of all contacts with the outside world, and that today he finds himself friendless and even devoid of financial means to even arrange for professional sureties who, unfortunately, still abound but for a hefty price.

(3) What should a man in such a situation do? Should he be doomed to a slow death within the high walls of prison? There are oases, but why deprive desert sands to become green?

(4) The learned Counsel for the State remains unmoved. Perhaps, he is bound by his instructions from the poltroons in authority. But then how can one ignore harsh realities of life? We keep a man in jail for long, long years, shut him from the outside world, brandish him as a criminal for all times to come and then when he earns a reprieve, deny him the long awaited sun-shine by imposing conditions which he finds well-nigh impossible to fulfill. Must his dreams remain unfulfilled? Should orders be not tapered with understanding and compassion? Should the Court too be led off the trail by passing an order that would breed not justice but injustice? 'To be just' says Addison, 'is an attribute of the divine nature; to be so to the utmost of our abilities is the glory of man'. Why not make an effort?

(5) Let the petitioner enjoy the benefit of the order in question by executing a personal bond in the sum of Rs. 10,000.00 before the District Magistrate, Delhi for keeping good behavior and maintaining peace during the unexpired portion of his sentence. Let the order be communicated not only to the Jail Authorities but to the District Magistrate also. dusty as well.

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