

HIGH COURT OF MADHYA PRADESH : JABALPUR

Endt. No. P/1706 / Jabalpur, dt 21 /05/2021  
III-2-3/67

The copy of extract of the minutes of High Power Committee Meeting convened on 12-05-2021 under the Chairmanship of Hon'ble Shri Justice Prakash Shrivastava contains directions in respect of relase of convicts confied in prison on parole & Under Trial Prisoners apart from general directions to the Jail authorities is forwarded to :-

- (i) The District & Sessions Judge(s) / ..... ,all in the State, with a request to bring the same into the knowledge of all the Judicial Officers under their kind control for information and necessary action/compliance.
- (ii) The Chairpersons, District Legal Services Authority for necessary compliance
- (ii) Director General of Prisoners, Bhopal, for necessary action.

All the above authorities are requested that they shall submit Consolidate Report of the action taken at their end directly to Member Secretary, State Legal Service Authority on email marking mplsajab@nic.in at the earliest possible.

*Vivek Patel*  
21-05-2021  
(VIVEK PATEL)  
OSD

## **1) RELEASE OF CONVICTS CONFINED IN PRISON ON PAROLE**

Grant of 90 days parole to following category of convicts:

- a) Male prisoners above 60 years of age.
- b) Female prisoners above 45 years of age.
- c) All female prisoners regardless of their age who are lodged in jail along with their minor children.
- d) All female prisoners who are carrying pregnancy of any duration
- e) All prisoners suffering from cancer, serious heart ailments such as having (i) undergone bypass surgery, (ii) valve replacement surgery, (iii) HIV, (iv) Cancer, (v) Chronic Kidney Dysfunction (requiring Dialysis), (vi) Hepatitis B or C, (vii) Asthma, (viii) Tuberculosis and (ix) disablement of body to the extent of 40% or more on basis of medical certification.
- f) All the above male and female prisoners who fulfill the general conditions of parole.
- g) Those prisoners not averred hereinabove and whose cases for first parole are pending at the District Level, for them the Collector and S.P. should be issued a direction to decide it within three days. A parole to eligible prisoners as per the jail manual be granted.

## **2) UNDER TRIAL PRISONERS :**

A. Those under trial prisoners, who are facing trial for the offence punishable for sentence of seven years or less may be considered for release on interim bail by the concerned District & Session Judge after examination on case to case basis. The concerned Jail Superintendent will ensure that information relating to such prisoners

is sent to the concerned Sessions Judge without any delay.

#### B. NALSA 2018 SOP on UTRC

- a) UTPs / Convicts falling under covered under Section 436A Cr.P.C;
- b) UTPs released on bail by the court, but have not been able to furnish sureties;
- c) UTPs accused of compoundable offences;
- d) UTPs eligible under Section 436 of Cr.P.C;
- e) UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment;
- f) Convicts who have undergone their sentence or are entitled to release because of remission granted to them;
- g) UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days;
- h) UTPs who are imprisoned for offences which carry a maximum punishment of 2 years;
- i) UTPs who are detained under Chapter VIII of the Cr.P.C. i.e. u/s 107, 108, 109 and 151 of Cr.P.C;
- j) UTPs who are sick or infirm and require specialized medical treatment;
- k) UTPs women offenders;

- l) UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4 th of the maximum sentence possible;
- m) UTPs who are of unsound mind and must be dealt with Chapter XXV of the Code;
- n) UTPs eligible for release under Section 437(6) of Cr.P.C, wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case.

The Superintendent of Jail, should in respect of those under-trial prisoners, who are covered by the SOP issued by the National Legal Services Authority in December 2018, obtain their applications for grant of interim bail and similarly forward the same to the District and Sessions Judge, concerned, who shall have the same considered and decided within four days for their release on temporary bail for at least a period of 90 days by imposing appropriate condition. In this regard, the assistance of the District Legal Services Authority may be taken if necessary.

**GENERAL DIRECTIONS :-**

The Jail Authority will also ensure that:

- (i) The health camp of the prisoners is organized every fortnight and those who are found to have symptoms of corona are segregated.
- (ii) All new inmates before they are lodged in the jail will be first subjected to RTPCR test and kept in a separate ward till they are tested negative or their requisite quarantine period is over.
- (iii) If any prisoner is found to be corona positive, then he should be

isolated and provided necessary medical facilities and in case of need for hospitalization, immediate steps be taken for care.

(iv) The juveniles lodged in children home or those in conflict in law and kept in reformatory/rehabilitation center, for them health camp be organized every fortnight and if any symptoms of corona are found in any children then the child be isolated and given proper medical treatment and care, in case of need for hospitalization immediate action be taken.

(v) The concerned jail authority will take appropriate steps for forwarding the matter to the State Government in terms of Section 432 of Cr.P.C. for waiving off fine in the cases where the convicts are not in a position to pay the fine imposed and in such cases, the State Government will take the decision in accordance with law to waive off the fine and to ensure release of the prisoner keeping in view the directions issued in W.P. No. 9320/21.

(vi) The jail authorities have assured that they shall place the data of Under Trial Prisoners who are facing trial for offences exclusively triable by the court of Magistrate before this Committee at the earliest for consideration.

(vii) The Jail Authorities have assured that they will update the prison occupancy on the website. It is also resolved that the decisions of the High Power Committee be given wide publicity.

(viii) As per the information furnished by the Secretary (Health) there are 7392 prisoners, who are above 45 years of age and all of them have been given first dose of Covid-19 vaccination. The Jail Authorities will ensure that the second dose of vaccination is given to them on completion of the requisite gap in this regard. If any prisoner falling in the age group of 45 years or above is left out then immediate steps be taken to give him first dose of vaccination.

(ix) The Secretary (Health), has also informed that the vaccination programme for the prisoners in the age group of 18-45 years is also likely to commence from first week of June, 2021. The needful in this regard be done expeditiously.

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