



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

**Reserved on: 30<sup>th</sup> July, 2025**  
**Pronounced on: 22<sup>nd</sup> August, 2025**

+ W.P.(CRL) 730/2023

NAVIN AHUJA

.....Petitioner

Through: Ms. Warisha Farasat and Ms. Suvarna Swain, Advocates.

versus

OFFICE OF LT. GOVERNOR OF DELHI, NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Amol Sinha, ASC (Crl.) with Mr. Kshitiz Garg, Mr. Ashvini Kumar, Ms. Chavi Lazarus, Mr. Nitish Dhawan and Ms. Sanskriti Nimbekar, Advocates for State.  
 SI Suresh Kumar, P.S. Kapashera, Delhi.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

### **JUDGMENT**

**SANJEEV NARULA, J.:**

1. The present petition filed under Article 226 of the Constitution of India, assails the minutes of meeting dated 14<sup>th</sup> December, 2022, of the Sentence Review Board<sup>1</sup>, and the letter dated 30<sup>th</sup> January, 2023 issued by Lt. Governor of the National Capital Territory of Delhi, whereby the Petitioner's request for premature release was rejected.

2. The Petitioner is a convict serving life imprisonment for conviction under Sections 302 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959, in FIR No. 165/2005 registered at P.S. Kapashera for

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<sup>1</sup> "SRB/the board"



committing the murder of his wife and two minor children. The Trial Court had convicted the Petitioner by judgment dated 22<sup>nd</sup> September, 2010, and by order dated 6<sup>th</sup> October, 2010 had sentenced him to death, subject to confirmation by this Court. In Criminal Appeal No. 1435/2010 and Death Reference No. 4/2010, this Court, by judgment dated 20<sup>th</sup> November, 2012 partly allowed the appeal, commuting the death penalty to life imprisonment. The Petitioner's challenge to the said judgment was dismissed by the Supreme Court on 16<sup>th</sup> March, 2015 upon refusal of special leave to appeal. A review to the same was also dismissed on 14<sup>th</sup> January, 2020.

3. Upon becoming eligible for premature release as per the policy dated 16<sup>th</sup> July, 2004, issued by the Government of NCT of Delhi,<sup>2</sup> the case of the Petitioner was considered and rejected on 14<sup>th</sup> December, 2022 which is assailed on the ground that it does not conform to the applicable legal framework, including the 2004 Policy and the Delhi Prison Rules, 2018, and that the rejection is based on insufficient reasoning, without due consideration of relevant reformatory indicators.

4. At the outset, it must be noted that subsequent to the filing of the instant petition, the Petitioner's case for premature release was again considered and rejected by the SRB on two occasions i.e. 23<sup>rd</sup> February, 2024 and 10<sup>th</sup> December, 2024. Although their decisions themselves have not been challenged, the grounds urged in the present petition are squarely applicable to the same. Hence, with the consent of the parties, this Court has examined the matter having regard to the latest rejection by the SRB of the Petitioner's request for premature release – i.e., as recorded in the minutes of meeting dated 10<sup>th</sup>

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<sup>2</sup> "2004 Policy"



December, 2024<sup>3</sup>:

***“(37) Item No.-37; The case of Naveen Ahuja S/o Sh. Ashok Ahuja- (Age-48 Yrs.)***

***(i) Background:***

*This case has been put up in compliance to the order dated 04.11.2024 in W. P. (CRL) 730/2023 passed by the Hon'ble High Court of Delhi in the matter of Navin Ahuja Vs. Office of Lt. Governor of Delhi, NCT*

***(ii) Eligibility conditions:***

*Only after undergoing imprisonment for 20 years including remission. This case has been considered under the policy/order dated 16.07.2004 issued by the Govt. of NC'T of Delhi i.e. policy that was existing on the date of conviction.*

***(iii) Sentence details:***

*Naveen Ahuja S/o Sh. Ashok Ahuja is undergoing life imprisonment (sentence of Death reduced to life imprisonment, which shall mean the rest of his life in Death sentence No. 04/2010 and Criminal Appeal No. 1435/2010 by the Hon'ble High Court of Delhi on dated 20.11.2012) in case FIR No. 165/2005, U/S 30 IPC & 25/27 A. Acts, P.S. Kapashera, Delhi for murder of his wife & 02 minor children. As on 25.11.2024, the convict has undergone imprisonment of 17 years, 11 months & 20 days in actual and 21 years, 04 months & 08 days with remission.*

***(iv) Recommendations:*** *The Board considered the reports received from Police and Social Welfare Departments and took into account all the facts and circumstances of the case. The convict had committed such a brutal crime by killing his wife and also two minor children. The Board noted that such a desperate crime shaken the confidence of society and it may not be in the interest of the society at large to Considering the gravity, perversity and heinousness of the crime and the manner and circumstances 'under which this brutal crime was committed by the convict, un-satisfactory conduct in jail in view of punishment, non-recommendation by police etc.. The Board after due deliberations unanimously recommended REJECTION of premature release of convict Naveen Ahuja S/o Sh. Ashok Ahuja.”*

5. The Court has heard the submissions made by the Counsel for the Petitioner and has perused the police report, the Social Investigation Report and the impugned minutes. It is further noted that as per the nominal roll dated 24<sup>th</sup> March, 2025, the Petitioner has already undergone 17 years 11 months and 21 days of actual incarceration and 21 years, 4 months, and 8 days

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<sup>3</sup> “the impugned minutes”



including remission. The Petitioner has been granted paroles and furloughs on nearly 30 occasions during his incarceration, and his conduct during each of these periods has been reported to be satisfactory. Moreover, the conduct of the Petitioner inside the prison has also been found satisfactory, except for a punishment dated 14<sup>th</sup> June, 2011. The nominal roll also reflects that no other criminal cases are pending against the Petitioner. The Social investigation report dated 26<sup>th</sup> June, 2024 mentions that the Petitioner's case appears to be fit for positive consideration by the SRB. The Probation Officer has also opined that the Petitioner seems to have lost his potential for committing crime and there is possibility of reclaiming him as a useful member of the society.

6. Despite these positive indicators, the Board has rejected his request citing, the gravity and brutality of the offence, the possible social impact of the release of the convict and opposition by the police. Additionally, the board has placed undue reliance on the Petitioner's unsatisfactory conduct, on account of a solitary punishment reflected in the nominal roll dated 14<sup>th</sup> June, 2011, which is more than a decade old. The nominal roll, on the contrary, explicitly describes his conduct as satisfactory, and there is no record of any further misconduct, either during his incarceration or while on parole or furlough.

7. Significantly, the Board's order does not meaningfully engage with the reformative progress of the Petitioner, as documented in the Social Investigation Report and the opinion of the Probation Officer, both of which support a positive consideration of his case. These reports suggest that the Petitioner has shown signs of rehabilitation and may be reintegrated into society as a law-abiding citizen.



8. In ***Santosh Kumar Singh v. State***,<sup>4</sup> this Court has recently examined the approach adopted by the SRB in considering cases of premature release. The approach was found lacking in terms of legal compliance, reasoning, and adherence to the reformatory framework envisaged under Rule 1244 of the Delhi Prison Rules, 2018. It was, *inter alia*, emphasised that while the gravity of the offence may be a relevant factor, it cannot be the sole or overriding basis for rejection, and that the SRB is required to assess reformation, conduct, and likelihood of reintegration. Further, in the case of ***Rajo v. State of Bihar***,<sup>5</sup> the Supreme Court had also held that while the nature of the offence and its societal impact are relevant considerations for the SRB, the same cannot be the sole basis for continued incarceration.

9. Upon consideration of the submissions and perusal of the impugned minutes, in light of the legal principles discussed above, this Court is of the view that the reasons recorded in the impugned minutes suffer from the same infirmities as those discussed in ***Santosh Kumar Singh***. The decision appears to be founded principally on the nature of the offence, societal impact and the objection by the police, without meaningful consideration of the Petitioner's jail conduct, psychological assessments (if any), or any evidence indicating the absence of reform. For these reasons, the Court finds the SRB's decision to be inadequately reasoned and contrary to the settled principles governing premature release.

10. Accordingly, in view of the above and in light of the judgment of this Court in ***Santosh Kumar Singh***, the impugned SRB minutes dated 10<sup>th</sup> December, 2024 are set aside *qua* the Petitioner. The matter is remanded back

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<sup>4</sup> 2025:DHC:5138

<sup>5</sup> 2023 SCC OnLine SC 1068



to the SRB for reconsideration in accordance with law, keeping in mind the principles, and observations made hereinabove, without being influenced by the earlier decision.

11. The SRB shall convene a fresh meeting and pass a reasoned order within a period of eight weeks from the date of this order.

12. The Petition is disposed of in the above terms.

**SANJEEV NARULA, J**

**AUGUST 22, 2025**

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