

U.P. (Suspension Of Sentence Of Prisoners) Rules, 2007

UTTAR PRADESH

India

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Rule

U-P-SUSPENSION-OF-SENTENCE-OF-PRISONERS-RULES-2007 of 2007

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U.P. (Suspension Of Sentence Of Prisoners) Rules, 2007Published vide Notification No. 472-JL/22-3-07-21G-89, dated 15th February, 2007 and published in the U.P. Gazette (Extraordinary), Part 4, Section (Kha), dated 15th February, 2007In exercise of the powers conferred by sub-section (5) of Section 432 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) the Governor hereby makes the following general rules to give directions as to the suspension of sentences and the conditions on which petitions should be presented and dealt with :

1. Short title, commencement and extent.

(1)These rules shall be called the Uttar Pradesh (Suspension of Sentence of Prisoners) Rules, 2007.(2)They shall come into force with effect from the date of their publication in the Gazette.(3)They shall extend to the whole of Uttar Pradesh.(4)These rules shall apply to the prisoners convicted by the Courts in Uttar Pradesh for the offence to which the executive power of the State extends whether confined in Jail within the State of Uttar Pradesh or outside the State but do not apply to,-(a)the prisoners convicted for an offence to which the executive power of the States does not extend ;(b)the prisoners who have filed any appeal or revision in any Court against sentence, during pendency thereof;(c)the prisoners against whom any other criminal case is pending before any Court;(d)the prisoners convicted for an offence for which suspension of sentence is not admissible in any law.

2. Definitions.

- In these rules, unless the context otherwise requires,-(i)"Commissioner" means Divisional Commissioner.(ii)"Governor" means the Governor of the Uttar Pradesh.(iii)"Government" means

the State Government of Uttar Pradesh.(iv)"State" means the State of the Uttar Pradesh.(v)"Form" means form operated to these rules.

3. Power to suspend sentence.

(1)The Government may suspend the sentences of a prisoner up to one month on following grounds : (a)illness of prisoner's parents, husband or wife, son, daughter, brother or sister, or (b)death of any one of the relative mentioned in sub-clause (a), or (c)marriage of son, daughter, brother or sister; (d)for sowing or harvesting of agricultural crops on his own land provided no other alternative arrangement for the same is available; (e)for the essential repair of his house provided no other alternative arrangement for the same is available.(2)The Government may in special circumstances extend the period of suspension of sentence referred to in sub-rules (1) for a period not exceeding one month.

4. Extension of the period of suspension after two months.

(1)The period of suspension of a sentence of a prisoner beyond two months may in exceptional circumstances, be increased with prior approval of the Governor.(2)The total period of suspension of sentence of a prisoner may ordinarily not exceed twelve months, but in exceptional circumstances the period of suspension of sentences of a prisoner may exceed twelve months with prior approval of the Governor.

5. Procedure for suspension of sentence.

(1)The application for suspension of sentences may be submitted in prescribed Form I by the prisoner himself or by a member of the family or a close relative of the prisoner in duplicate through the Superintendents of the Jail concerned, who shall forward one copy of it along with his comments and Jail reports in Form II to the Government and another copy to the District Magistrate concerned.(2)The Government may call for the report from the District Magistrate and Superintendent of Police concerned on the desirability of the suspensions of the sentence of the prisoner, who after conducting such enquiry as deemed necessary shall submit their report in Form III within 30 days to the Government. In appropriate cases Government may call for the opinion under sub-section (2) of Section 432 of the Code of Criminal Procedure, 1973.(3)The Government shall call for report from the Superintendent of the Jail concerned regarding age, condition of health, sentence and conduct of the prisoner in Jail.(4)No prisoner shall be released on suspension of a sentence unless he furnishes sureties along with personal bond to the satisfaction of the District Magistrate to the effect that he shall surrender in Jail concerned on expiry of the period of suspension of sentence and shall maintain peace and good conduct during the period of suspension of sentence.

6. Conditions for suspension of sentence.

(1)Suspension of sentence shall not be granted to the prisoner convicted for life imprisonment for an

offence of murder unless the prisoner has served minimum three years sentence without remission, and for those convicted for an offence of dacoity served minimum four years sentence without remission. In all other cases suspension of sentence shall not be granted unless the prisoner has served minimum one year sentence without remission.(2)Suspension of sentence may not be granted to a prisoner convicted for heinous crime or to a habitual offender if the District Magistrate or Superintendent of Police is of the opinion that the release of the prisoner may adversely affect peace and tranquillity of the area.(3)The period of suspension of sentence shall not count towards the period of sentence served.(4)The sentence of a prisoner may be suspended for not more than one in a calendar year :Provided that in exceptional circumstances such as death of prisoner's parents, husband or wife, son, daughter, brother or sister or marriage of a prisoner's son, daughter, brother or sister or in natural calamities, the sentence of prisoner may be suspended for the second time in a calendar year.

7. Punishment for violation of conditions of suspension of sentence.

(1)The Superintendent of Jail shall inform to the District Magistrate of concerned district and the Director General of Prisons about the over stay and unauthorised absence of a prisoner from the Jail after expiry of the period of suspension of the sentence and request the District Magistrate and Superintendent of Police concerned to cause the arrest of the said prisoner.(2)Any prisoner whose sentence has been suspended for a specified period-(a)if surrenders in Jail after up to seven days the indiscipline shall be recorded in his jail roll.(b)if surrenders after up to twenty-nine days the indiscipline shall be recorded in his roll and suspension of sentence shall not be granted to him until expiry of six months after one year from, the date of surrender to the jail.(c)if surrenders after one month, indiscipline shall be recorded in his roll and suspension of sentence shall not be granted to him unless until of one year after one year from the date of surrender to the jail.(d)if surrenders after two months, indiscipline shall be recorded in his roll and suspension of sentence shall not be granted to him until expiry of one and half year after one year from the date of surrender to the jail.(e)if surrenders after more than two months indiscipline shall be recorded in his roll and suspension of sentence shall not be granted to him until expiry of six months for each month's delay after one year from the date of surrender to the Jail.(f)if overstays for more than twelve months, suspension of sentence of such prisoner shall not ordinarily be granted.(g)if the suspension of sentence has been obtained by furnishing wrong and misleading facts, no suspension of sentence shall be granted to such prisoner in future.Form IApplication For Parole[See Rule 5 (1)]

1. Name of prisoner

2. Name of Father/Husband

3. Address of prisoner.....Village/City.....

4. Police Station.....

5. Tehsil.....

6. District.....

7. Jail where prisoner is confined.....

8. Section of crime and sentence awarded to prisoner.....

9. Name of the convicting Court

10. Date of sentence.....

11. Total sentence served till date ;

(A)Without Remission (B) With Remission.....

12. Whether any appeal or revision is pending before any Court

13. Whether parole was granted earlier by any Court. If yes, give details ..

14. Grounds of parole application

15. Period for which parole is applied

16. If request for extension of parole is applied-

(A)Total period of parole sanctioned till date(B)Number of times parole granted.....(C)Date on which sanctioned previous parole is expiring(D)Period for which extension in parole is applied

17. If Parole is applied on grounds of marriage, then,-

(A)Name of the girl and father's name(B)Age of the girl(C)Name of the boy and father's name(D)Age of the boy.....Note.-The details of the boy and the girl whose marriage is to be solemnised be given essentially.

18. If parole is applied for agricultural work,-

(A)Whether application is for Cultivation(B)Whether applications is for Harvesting of Crop(C)In both the cases indicate whether some other person is not available for the above work, give details

19. If the parole is applied for house repairing,-

(A)Nature of repair(B)When the repair was done previously ?.....(C)Whether some other person cannot perform the work, if not, why ...

20. Any other reason for parole

.....

Signature of Applicant,

1. Name of applicant

2. Name of Father/Husband

3. Relation with the Prisoner

4. Village/Town

5. Post Office.....

6. District

Special Information :(1)The period of parole shall not count towards the sentence.(2)Parole for more than one month in a calendar year (between 1st January to 31st December) shall not be sanctioned by the District Magistrate/Commissioner.(3)Application for more than one month's parole shall be referred to Government by District Magistrate.Form IIProforma For Jail Report[See Rule 5 (1)]

1. Name of the Prisoner, Father's Name and Convict No.

2. Full Address of the Prisoner.....

3. Age of the Prisoner and Date of Birth

4. Name of the Convicting Court

5. Crime No., S.T. No., Crime Sections and period of sentence

6. Date of sentence

(A)Date of Admission in Jail(B)Date of Re-Admission in Jail
.....

7. Detail of commutation and date of death sentence, Life Imprisonment or any other Sentence

8. Detail of Sentence served by the Prisoner :

(A)Without Remission(B)Remission
Earned.....(C)Total Sentence with Remission

9. Status of pending Appeal/Revision before the Court

10. Detail of other pending cases against the prisoner (if any)

11. Conduct of prisoner in Jail (along with details of Jail Punishment).....

12. Full detail of previous parole/home leave sanctioned to the prisoner ...

13. Whether the prisoner has surrendered in time in Jail on earlier sanctioned parole/home leaves

If surrendered late, the period and detail of punishment awarded ..

14. Whether mercy petition of the prisoner is pending

Form IIIPrescribed Form For Obtaining Report From District Magistrate[See Rule 5 (2)]

**1. Brief Criminal history of prisoner and latest position of pending cases
.....**

- 2. Detail of family members of the prisoner.....**
- 3. Detail of parole/home leave previously availed by the prisoner and his conduct during the period.....**
- 4. Confirmation of grounds/reasons for grant of parole as mentioned by the prisoner**
- 5. Self-explained recommendations along with reasons whether the parole should be sanctioned to the prisoner or not**