2025:AHC-LKO:8668-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

HABEAS CORPUS WRIT PETITION No. - 476 of 2025

Smt. Bramha Devi Thru. Her Daughter Tanu

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.
And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Jyoti Rajpoot
Counsel for Respondent(s)	:	G.A.

Court No. - 7

HON'BLE MANISH MATHUR, J.
HON'BLE SYED QAMAR HASAN RIZVI, J.

1. Heard learned counsel for petitioner and Mr. Bhanu Pratap Singh, learned Additional Government Advocate - I assisted by Dr. Gyan Singh, learned State Law Officer appearing on behalf of opposite parties.

2. In pursuance of directions issued earlier, corpus/detenue Smt. Brahma Devi, W/o late Daya Shankar has been produced by jail authorities concerned.

3. Also in pursuance of directions issued earlier, report dated 30.12.2025 has been submitted by Additional District & Sessions Judge, FTC, Court No.36, Barabanki through the Senior Registrar, Lucknow.

4. Perusal of the aforesaid report makes it evident that Non-Bailable Warrant (NBW) was issued against detenue as a consequence of order dated 14.11.2025 passed by Hon'ble Supreme Court in Special Leave Petition (Criminal) Diary No(s). 55476/2025 whereby Special Leave Petition filed by detenue against judgment and order dated 10.05.2019 passed by this Court in Criminal Appeal No. 1313 of 2015 upholding her conviction under Section 302 IPC, was dismissed. It is also evident that in the order dated 14.11.2025 passed by Hon'ble Supreme Court, a direction had been issued that whenever the

petitioner is found eligible for release as per remission policy of the State, her case may be considered by the competent authority expeditiously.

5. From the material on record, it appears that Hon'ble Supreme Court was not made aware of the fact that prior to dismissal of Special Leave Petition on 14.11.2025, remission had already been granted to detenue by the State Government vide order dated 02.09.2025 and information with regard to same was also submitted before this Court vide letter dated 15.12.2025 indicating that detenue Smt. Brahma Devi had already been released from incarceration on 05.09.2025. The report admits mistake on the part of Court concerned in issuing NBW only on account of orders passed by Hon'ble Supreme Court of India on 14.11.2025.

6. In such circumstances, it is evident that detenue was taken into custody in pursuance of NBW issued by the Court concerned only on account of the fact that correct information was not provided to Hon'ble Supreme Court regarding remission and subsequent release of detenue.

7.From the record, instructions and report, it also appears that the detenue is not wanted in any other case.

8. In view thereof, NBW dated 17.12.2025 issued by the Additional District & Sessions Judge, FTC, Court No. 36, Barabanki is hereby quashed. The detenue is also directed to be released forthwith.

9. The Habeas Corpus Petition therefore succeeds and is **allowed**. Parties to bear their own costs.

(Syed Qamar Hasan Rizvi,J.) (Manish Mathur,J.)

December 31, 2025
lakshman

Digitally signed by :-
LAKSHMANA KUMAR TAMMANA
High Court of Judicature at Allahabad,
Lucknow Bench