CASE ANALYSIS

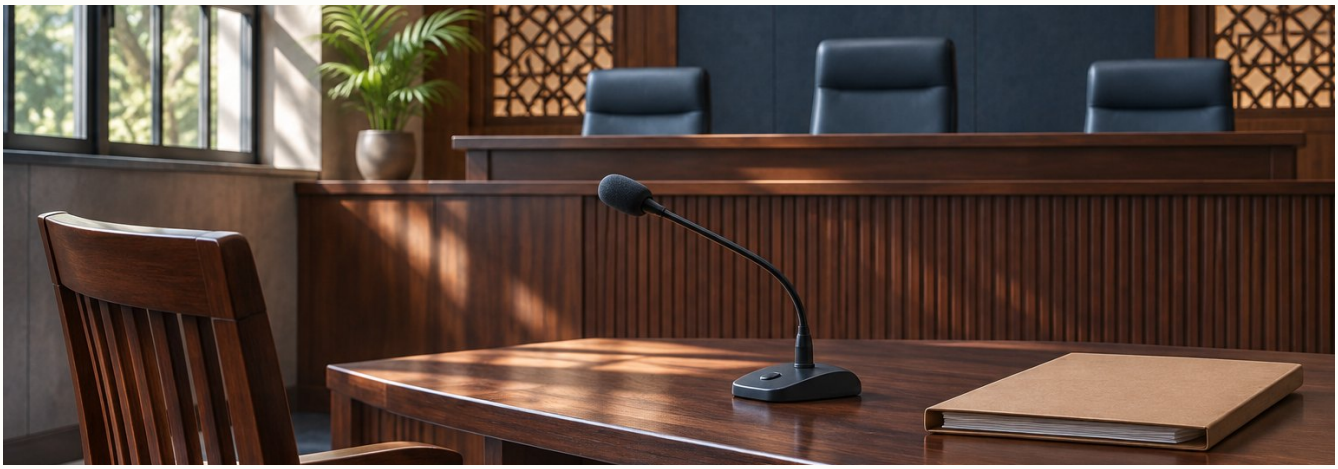
India’s Supreme Court Recognises Victims’ Right to Make Submissions Before Remission

In quashing Anand Mohan’s early release, the Court held that traceable victims or their representatives should have a reasonable chance to submit their views before a remission decision.

By Shahbaz Shah · 27 November 2026

Telugu Umadevi Krishnaiah v. State of Bihar · 2026 INSC 1281

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Before deciding whether to release a convict early, Indian authorities should give an identifiable, traceable victim or legal representative a reasonable chance to make a submission, wherever practicable. India’s Supreme Court set out that safeguard in the case brought by the widow of Gopalganj District Collector G. Krishnaiah. It quashed former Bihar legislator Anand Mohan’s 2023 premature release and directed him to surrender within one month of the judgment. Judgment, paragraphs 90–93.

What the victim can contribute to a remission decision

Neither Section 432 of the Code of Criminal Procedure nor its successor, Section 473 of the Bharatiya Nagarik Suraksha Sanhita, expressly requires notice to a victim before remission. The Court read a procedural safeguard into the Bihar Prison Manual. Where practicable, the authority should give notice, allow reasonable time for a representation and consider it before deciding. A victim may have information about intimidation, safety or the continuing impact of the offence. The competent authority retains responsibility for weighing that information and deciding the application. Judgment, paragraphs 42–47.

The Court drew on *Jagjeet Singh v. Ashish Mishra*, which recognised the victim’s role during criminal proceedings. The ruling extends that reasoning to a stage with a direct effect on victims and families after sentencing. The widow, Telugu Umadevi Krishnaiah, must be given an opportunity to make a representation if the authorities consider Mohan’s release again. Judgment, paragraphs 43–47 and 93.

Why Bihar’s order failed under Section 432(2) CrPC

Mohan was convicted in connection with Krishnaiah’s 1994 murder. The Patna High Court reduced his death sentence to life imprisonment, and the Supreme Court dismissed the appeals in 2012. Bihar’s policy excluded life convicts in cases involving the murder of a public servant on duty. The State removed that exclusion on 10 April 2023. An order for Mohan’s release followed on 24 April. Judgment, paragraphs 5–9 and 66–67.

The authorities had relied on a Sessions Judge’s opinion from 2021, when Mohan’s first application was barred. It also lacked reasons. Section 432(2) requires a reasoned judicial assessment to inform the executive decision. The 2023 application required a fresh opinion under the circumstances then before the authorities. Judgment, paragraphs 50–53.

The Court struck down the 2023 rule change

The State said it was aligning its rules with the Model Prison Manual. It had kept its other listed exclusions, and the Court found no rational public purpose shown for deleting this one category. It struck down that change under Article 14 and left Bihar free to consider lawful reforms after Mohan surrenders or is taken into custody. The broader question of when a later, more favourable remission policy governs a life sentence was left open. Judgment, paragraphs 83–93.

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Frequently asked questions

Does the victim get to decide whether remission is granted?

The competent authority makes that decision. The victim or legal representative has the opportunity to put relevant information and concerns before it.

Is a written representation enough?

The judgment requires at least a reasonable opportunity to submit a representation where practicable and says the authority must give it due consideration.

Why was the judge’s earlier opinion insufficient?

The 2021 opinion gave no reasons and concerned an application filed while the convict was ineligible. The Court required a fresh, reasoned opinion for the 2023 decision.

What did the Court direct Anand Mohan to do?

It quashed his release order and directed him to surrender within one month. It allowed fresh consideration in accordance with its directions.