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New Delhi: The Supreme Court on Friday ordered release of all undertrial prisoners who have spent half of the maximum sentence prescribed for the offences they are charged with, bringing much needed relief to poor people who are languishing in jails as they are not able to pay sureties and bail bond to get out of jail.

Expressing concern that more than 60 percent prisoners are undertrials, the apex court assigned the task to lower judicial officers to visit each jail under their jurisdiction from October 1 to find out and release such prisoners immediately. It also set a period of two months time to finish the work.

"The judicial officers (Magistrate/Sessions Judge/Chief Judicial Magistrate) shall identify prisoners who have completed half of the maximum period of imprisonment provided for the offences they are charged with. After complying the procedure under Section 436A of Criminal Procedure Code they shall pass appropriate order in jail itself for the release of such prisoners," a bench headed by Chief Justice R M Lodha said.

"They shall visit once in a week for two months in each jail under their jurisdiction for the purpose of effective implementation of Section 436A for releasing prisoners," it said.

Section 436A talks about maximum period for which an undertrial prisoner can be detained and it stipulates that such prisoners can be released by the court on a personal bond with or without sureties if he/she has spent half of the maximum period of imprisonment in jail.

It is estimated that out of around 3.81 lakh prisoners across the country, about 2.54 lakh, are undertrials. In many cases, the accused have spent more time in jail than the actual sentence which might be awarded to him in case of conviction.

The bench, also comprising justices Kurian Joseph and Rohinton F Nariman, made it clear that there is no need for lawyers to be present while judicial officers take decision for release of prisoners.

It said the judicial officers, after finishing the task, shall file a report to Registrar General of the concerned High Court.

It said thereafter the Registrar General of High Courts shall file report with the Secretary General of the Supreme Court.

http://zeenews.india.com/news/nation/sc-orders-release-of-undertrial-prisoners-languishing-in-jails_1465453.html