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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 321 of 2026

Chhattu Ram Uraon S/o Shri Baldu Ram Uraon Presently Aged About 52 Years (About 36 Years At The Time Of Entry Into Jail) R/o Village Dhawaibhatha Tilkeja, Police Station Urga, District- Korba (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Home (Jail) Department, Mantralaya, Mahanadi Bhawan, Raipur (C.G.)

2 - The Under Secretary, State Of Chhattisgarh, Jail Department, Mantralaya, Mahanadi Bhawan, Raipur (C.G.)

3 - The Director General Prisons And Correctional Services, Chhattisgarh Head Quarter Prisons And Correctional Services Chhattisgarh Raipur (C.G.)

4 - The Jail Superintendent, Central Jail, Bilaspur (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Rishi Rahul Soni and Ms. Ananya Chatterjee, Advocates

For Respondent(s) : Mr. Somya Rai, Dy. G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

22.06.2026

1. Heard Mr. Rishi Rahul Soni and Ms. Ananya Chatterjee, learned counsel for the petitioner. Also heard Mr. Somya Rai, learned Deputy Government Advocate, appearing for the State/respondents.
2. The present writ petition has been filed by the petitioner with the following prayers:

“10.1 The Hon'ble Court may kindly be pleased to call for entire records pertaining to the case of the petitioner for it's kind perusal;

10.2 The Hon,ble Court may kindly be pleased to issue a suitable writ, order or direction and quash/set-aside the order dated 14.02.2026 (Annexure P/1) issued/ passed by the respondent no.2;

10.3 The Hon'ble Court may kindly be pleased to issue a suitable writ, order or direction commanding the respondent authorities to grant the petitioner remission under 473 of Bharatiya Nagrik Suraksha Sanhita 2023/432 of the Code of Criminal Procedure 1973 and to release the petitioner by granting remission of rest part of the sentence imposed upon the petitioner vide judgment of conviction and sentence dated 15.04.2011 passed by the Learned Session Judge Korba, District-Korba (C.G.) in Session Trial No. 129/2009; and

10.4 Any other relief, which this Hon'ble Court may deem fit and proper looking to the facts and circumstances of the case, may also kindly be granted

in favour of the petitioner.”

3. Learned counsel for the petitioner submits that the petitioner is a convicted prisoner presently lodged in Central Jail, Bilaspur and is undergoing life imprisonment pursuant to judgment dated 15.04.2011 passed by the learned Sessions Judge, Korba in Sessions Trial No.129/2009, whereby he was convicted for the offence punishable under Section 302 of the Indian Penal Code, 1860. It is submitted that the petitioner has remained in continuous custody since 28.08.2009 and, as per the information furnished under the Right to Information Act, 2005, has undergone more than 16 years and 08 months of actual imprisonment as on 08.05.2026 and has further earned remission of 04 years, 10 months and 26 days, thereby completing more than 21 years of sentence including earned remission. It is further submitted that the appeal preferred by the petitioner against the judgment of conviction, being Criminal Appeal No.498/2011, came to be dismissed by this Hon'ble Court vide judgment dated 22.05.2017.

4. Learned counsel further submits that on 20.03.2025 the petitioner submitted an application seeking remission/premature release under Section 432 of the Code of Criminal Procedure, 1973. Pursuant thereto, the competent authority sought opinion of the learned Sessions Judge, Korba, who vide opinion dated 26.03.2025 recommended that the petitioner may be extended the benefit of remission under Section 432 Cr.P.C. Thereafter, the petitioner's case along with all relevant records was forwarded by the jail authorities for consideration by the competent authorities. It is submitted that the petitioner again submitted an

application dated 03.07.2025 seeking premature release/remission and the Jail Superintendent prepared the requisite report under Rule 358 of the Chhattisgarh Prisoners Rules, 1968 and also sought the opinion of the District Magistrate, Korba in the prescribed format.

5. It is further submitted that despite the petitioner having completed the requisite period of incarceration, despite the favourable opinion of the learned Sessions Judge and despite fulfillment of the statutory requirements for consideration of remission, respondent No.2, vide order dated 14.02.2026, rejected the petitioner's claim for premature release/remission purportedly in exercise of powers under Rule 358(7) (viii) of the Chhattisgarh Prisoners Rules, 1968 mainly on the basis of a negative recommendation of the State Sentence Review Board. Learned counsel submits that the impugned order is arbitrary, non-speaking and suffers from complete non-application of mind inasmuch as the competent authority has failed to independently consider the petitioner's eligibility, conduct in jail, period of incarceration already undergone and the favourable judicial opinion available on record. It is contended that the impugned action is contrary to the mandate of Section 432 of the Code of Criminal Procedure, 1973, Rule 358 of the Chhattisgarh Prisoners Rules, 1968 and the law governing consideration of remission and premature release, thereby violating the petitioner's rights guaranteed under Articles 14 and 21 of the Constitution of India. Hence, the present petition has been preferred seeking quashment of the order dated 14.02.2026 and a direction to the

respondents to reconsider the petitioner's case for remission/premature release in accordance with law.

6. Per contra, learned State counsel submits that the petitioner stands convicted for the offence punishable under Section 302 of the Indian Penal Code, 1860 pursuant to judgment dated 15.04.2011 passed by the learned Sessions Judge, Korba in Sessions Trial No.129/2009 and is undergoing sentence of imprisonment for life. It is submitted that the petitioner is in custody since 28.08.2009 and is presently lodged in Central Jail, Bilaspur. Learned State counsel submits that the petitioner's case for remission/premature release was duly considered by the competent authorities in accordance with the provisions of Section 432 of the Code of Criminal Procedure, 1973 and Rule 358 of the Chhattisgarh Prisoners Rules, 1968. It is further submitted that after obtaining the requisite reports and recommendations from the concerned authorities, the matter was placed before the State Sentence Review Board for consideration. Upon consideration of the material available on record, the State Sentence Review Board did not recommend the petitioner's case for grant of remission and, consequently, respondent No.2 passed the order dated 14.02.2026 rejecting the petitioner's claim for premature release/remission in exercise of powers under Rule 358(7)(viii) of the Chhattisgarh Prisoners Rules, 1968. Learned State counsel contends that the impugned order has been passed after following the prescribed procedure and does not suffer from any illegality or arbitrariness warranting interference by this Hon'ble Court. It is further submitted that

remission is not a matter of right and is subject to consideration by the competent authority in accordance with the applicable statutory provisions. The present petition, therefore, being devoid of merit, deserves to be dismissed.

7. We have heard learned counsel for the parties and have carefully perused the pleadings, annexures and the material available on record.

8. It is not in dispute that the petitioner stands convicted for the offence punishable under Section 302 of the Indian Penal Code, 1860 pursuant to judgment dated 15.04.2011 passed by the learned Sessions Judge, Korba in Sessions Trial No.129/2009 and is presently lodged in Central Jail, Bilaspur. It is further not in dispute that the petitioner has remained in custody since 28.08.2009. The information furnished by the jail authorities indicates that as on 08.05.2026 the petitioner has undergone more than 16 years and 08 months of actual imprisonment and has earned remission of 04 years, 10 months and 26 days, thereby completing more than 21 years of sentence including earned remission.

9. The record further reveals that the petitioner submitted an application seeking remission/premature release under Section 432 of the Code of Criminal Procedure, 1973. Pursuant thereto, opinion of the learned Sessions Judge, Korba was sought and the learned Sessions Judge, vide opinion dated 26.03.2025, recommended that the petitioner may be considered for grant of remission. The requisite jail report was also prepared under Rule 358 of the Chhattisgarh Prisoners Rules,

1968 and the matter was thereafter placed before the competent authority for consideration.

10. The petitioner is aggrieved by the order dated 14.02.2026 whereby the State Government, acting upon the recommendation of the State Sentence Review Board, has rejected his claim for premature release. A perusal of the impugned order shows that the rejection is primarily founded upon the nature of the offence and the reports submitted by the District Magistrate and Superintendent of Police expressing apprehension that release of the petitioner may result in disturbance of peace and harmony in the village.

11. The Court has carefully perused the material available on record. While the nature and gravity of the offence undoubtedly constitute relevant considerations for examining a claim of premature release, the same cannot be the sole basis for rejecting such claim after the convict has undergone a substantial period of incarceration. The competent authority is also required to consider other relevant factors including the conduct of the prisoner during incarceration, the possibility of reformation and rehabilitation, the period of sentence already undergone, earned remission and the opinion of the sentencing court.

12. At this juncture, it is apposite to note that the power of remission under Section 473 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is a statutory power required to be exercised in accordance with established principles and the applicable remission policy. Though remission cannot be claimed as an absolute right, every eligible convict possesses a right

to fair, objective and non-arbitrary consideration of his case by the competent authority.

13. The Hon'ble Supreme Court in *Laxman Naskar v. State of West Bengal*, (2000) 7 SCC 626, *Epuru Sudhakar v. Government of Andhra Pradesh*, (2006) 8 SCC 161, and *State of Haryana v. Jagdish*, (2010) 4 SCC 216 has consistently held that while exercising powers relating to remission or premature release, the authorities are required to consider relevant factors, apply the applicable policy uniformly and avoid arbitrary or irrelevant considerations. Equally relevant are the directions issued by the Division Bench of this Court in W.P. (PIL) No. 78/2017 (*Amarnath Pandey v. State of Chhattisgarh*), emphasizing that opinions under Section 432(2) Cr.P.C. must not be rendered mechanically and that remission matters are required to be dealt with in a fair and reasoned manner.

14. In the present case, the impugned order reflects consideration of the nature of the offence and the reports of the District Magistrate and Superintendent of Police. However, the order does not indicate any meaningful consideration of the favourable opinion rendered by the learned Sessions Judge, Korba, the long period of incarceration already undergone by the petitioner, the remission earned by him, his conduct during imprisonment or the question whether he has undergone sufficient reformation so as to justify premature release. These relevant considerations appear to have been overshadowed by the adverse recommendation of the State Sentence Review Board.

15. Applying the aforesaid principles to the facts of the present case, this Court is of the considered view that the petitioner's claim for premature release requires reconsideration by the competent authority on a holistic assessment of all relevant factors. The impugned order dated 14.02.2026, therefore, cannot be sustained in its present form.

16. Accordingly, the petition is **allowed**. The impugned order dated 14.02.2026 is hereby quashed and set aside. The respondents are directed to grant the benefit of remission to the petitioner and release him forthwith, if now required in any other case, subject to compliance with usual terms and conditions a may be imposed under the Chhattisgarh Jail Rules, 1968. No order as to costs.

**Sd/-
(Ravindra Kumar Agrawal)
Judge**

**Sd/-
(Ramesh Sinha)
Chief Justice**