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INDRAJEET SAHU
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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 466 of 2026

1 - Mansha Ram @ Kana S/o. Sanau Ram Aged About 38 Years R/o. Pungaon, P.S. - Antagarh, Distt. Kanker (C.G.)

... Petitioner(s)

versus

- 1 - State of Chhattisgarh Through The Home Secretary, Department Of Home, Mahanadi Bhawan, Mantralaya, Atal Nagar, P.S. - Rakhi, Nawa Raipur, Distt. Raipur (C.G.)
- 2 - Director General Jail And Reformative Services, Raipur, Distt. Raipur (C.G.)
- 3 - Jail Superintendent Central Jail, Jagdalpur, Distt. Bastar (C.G.)
- 4 - Additional Secretary Jail Department, Raipur, State Of Chhattisgarh, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Distt. Raipur (C.G.)
- 5 - Principal Secretary Government Of Chhattisgarh, Law And Legal Affairs Department, Mantralaya, Nawa Raipur, Atal Nagar, Distt. Raipur (C.G.)

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Shri Mirza Kaisher Beg, Advocate.
For State	:	Shri Saumya Rai, Dy. Govt. Advocate.

Hon'ble Shri Justice Ramesh Sinha, CJ

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

14.08.2026

Per, Ramesh Sinha, CJ.

1 The petitioner has filed this petition seeking following reliefs:

“10.2 That this Hon'ble Court may kindly be pleased to allow the writ petition filed by the petitioner and having been taken into consideration of the fact that out of the life imprisonment, the petitioner has already suffered 19 years 6 months and the fine amount has not been paid but taking into consideration of the facts and circumstances and the character and conduct of the

petitioner inside the jail, the petitioner was legally entitled for remission of sentence.

10.3 Any other relief, which this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

- 2 Learned counsel for the petitioner submits that the petitioner has been in custody for more than 19 year and 6 months including remission and during the entire period of incarceration his conduct has remained satisfactory. He would further submit that the petitioner has continuously performed the work assigned to him in jail honestly and dutifully and has cooperated in maintaining peace and discipline inside the jail. He would next submit that the Superintendent, Central Jail, Jagdalpur, while forwarding the case of the petitioner has given positive recommendation for grant of remission. He would further submit that the learned Principal District & Sessions Judge, Kanker, in exercise of powers under Section 473(2) of the BNSS, has also furnished a detailed positive opinion dated 22.01.2025 specifically observing that the petitioner does not appear capable of committing such offence again and that no useful purpose would be served by keeping him in jail any further. It is further submitted that the learned Sessions Judge has also taken into consideration the satisfactory jail conduct of the petitioner, the long period of incarceration already undergone by him and the adverse effect of continued detention upon the livelihood of his family members while recommending remission in favour of the petitioner. Learned counsel would further argue that despite the aforesaid positive recommendations made by the Jail Authorities as well as the learned Sessions Court, the claim of the petitioner has been rejected solely on the basis of a negative opinion submitted by the

Superintendent of Police founded upon the opinion of the concerned SHO. He would submit that the impugned order dated 12.12.2025 is wholly arbitrary, mechanical and non-speaking inasmuch as no independent reasons have been assigned by the competent authority while rejecting the claim of the petitioner for remission. It is contended that the impugned order merely reproduces that the opinion of the District Magistrate and Superintendent of Police is negative and, on that basis alone, rejects the petitioner's case without considering the relevant materials available on record. Learned counsel would further submit that while exercising powers under Section 473 of the BNSS, the competent authority is required to apply independent mind to all relevant considerations including the conduct of the prisoner, possibility of reformation, likelihood of repetition of offence and the opinion of the Presiding Judge who conducted the trial. It is argued that the opinion of the Presiding Judge carries great significance and could not have been ignored without assigning cogent reasons. The authorities have failed to properly consider relevant factors such as the Petitioner's long incarceration, reformation, good conduct, and favorable recommendations, thereby rendering the impugned orders arbitrary and violative of principles of fairness, as such, the denial of remission defeats the reformatory purpose of punishment and is contrary to law governing remission under Section 473 of the BNSS. Therefore, he prayed that the impugned orders be set aside and the Respondents be directed to grant remission and release the Petitioner prematurely, or in the alternative, reconsider his case in a fair, just, and reasoned manner in accordance with law.

- 3** Per contra, learned State counsel would oppose the petition and submit that the petitioner has been convicted for serious offence punishable under Section 302f IPC vide judgment dated 23.03.2012 passed in Sessions Trial No.51/2011 and the said judgment of conviction has already been affirmed by this Hon'ble Court in Criminal Appeal No.286/2014. It is submitted that the offence committed by the petitioner is grave and heinous in nature. The petitioner was convicted for murder. Considering the nature and gravity of the offence and the manner in which he committed, the petitioner does not deserve exercise of discretionary relief of remission. Learned State counsel would further submit that though favourable opinions were furnished by the Jail Authorities and the learned Sessions Judge, adverse comments and reservations were expressed by the Superintendent of Police and the District Administration regarding grant of premature release/remission to the petitioner. It is contended that the District Administration, on the basis of local inputs and reports received from the concerned authorities, expressed apprehension regarding possible objection from the victim side and possible disturbance arising out of the petitioner's release. It is further submitted that such considerations are relevant factors while examining a claim for remission under Section 473 of the B.N.S.S. Learned State counsel would further argue that remission or premature release is not a matter of vested right and the State Government is empowered to exercise its discretion keeping in view the larger public interest, gravity of offence and overall societal impact. Mere completion of long incarceration or satisfactory jail conduct by itself does not automatically entitle a convict to claim

remission as a matter of right. It is further submitted that the competent authority, after considering all relevant materials placed before it including the opinions/comments received from various authorities, has rejected the claim of the petitioner vide order dated 12.12.2025 and therefore the impugned order does not suffer from any illegality, arbitrariness or perversity warranting interference by this Hon'ble Court in exercise of writ jurisdiction. Learned State counsel would lastly submit that the petitioner has failed to demonstrate any enforceable legal right for grant of remission and as such the present petition being devoid of merit deserves to be dismissed.

- 4 We have heard learned counsel for the parties and have carefully perused the pleadings, annexures and the material available on record.
- 5 The Petitioner stands convicted for offence punishable under Section 302 IPC and is in custody since 09.11.2010. It is not in dispute that the Petitioner has completed more than 19 years and 6 months of incarceration including remission. The material placed on record further reveals that favourable opinions were furnished by the Jail Authorities and the learned Sessions Judge regarding grant of premature release/remission to the petitioner.
- 6 The rejection of the Petitioner's claim vide order dated 12.12.2025 on the basis of the negative report given by the District Magistrate and Superintendent of Police are primarily founded upon a negative opinion expressing apprehension of possible future criminal conduct. However, such rejection does not disclose any objective material and is evidently based on conjectures. This Court finds that the impugned orders are non-speaking and reflect non-application of mind, particularly when the

relevant considerations such as long incarceration, good conduct, reformation, and favorable recommendations have not been duly weighed.

- 7 At this juncture, it is apposite to refer Section 358(7)(viii) of the Chhattisgarh Jail Manual / Chhattisgarh Prison Rules, 1968, which contemplates consideration of premature release of life convicts who have undergone the prescribed period of sentence, subject to assessment of their conduct, reformation, and overall suitability for reintegration into society. The said provision embodies the reformatory approach of penology and mandates that eligible prisoners be considered fairly and objectively. In the present case, the Petitioner satisfies the eligibility criteria inasmuch as he has completed more than the requisite period of incarceration and has maintained good conduct, as also reflected from the recommendation of the jail authorities. The adverse opinion of the District Magistrate, in absence of supporting material, cannot override the statutory scheme and the reformatory intent underlying the said provision.
- 8 It is well settled that though remission under Section 473 of BNSS is discretionary, such discretion must be exercised in a fair, reasonable and non-arbitrary manner. The Hon'ble Supreme Court in ***Laxman Naskar v. State of West Bengal, reported in (2000) 7 SCC 626***, has laid down that while considering premature release, authorities must evaluate factors such as whether the offence affects society at large, the likelihood of recurrence, and the potential for the convict's reformation. Similarly, in ***Epuru Sudhakar v. Government of Andhra Pradesh, reported in (2006) 8 SCC 161*** it has been held that orders

relating to remission are subject to judicial review if they are arbitrary, mala fide, or based on irrelevant considerations. Further, in ***State of Haryana v. Jagdish, reported in (2010) 4 SCC 216***, the Hon'ble Supreme Court has emphasized that the benefit of remission policy must be extended in a fair and consistent manner.

- 9 The philosophy underlying premature release is reformatory rather than retributive. Long incarceration coupled with demonstrated good conduct and positive reports from competent authorities entitles a prisoner to objective and fair consideration under the applicable Rules. Once the statutory bar is found inapplicable, and the relevant authorities have not expressed any adverse opinion, denial of premature release on a misconceived interpretation of the Rule amounts to arbitrariness and offends the mandate of Article 14 of the Constitution of India.
- 10 Applying the aforesaid principles to the facts of the present case, this Court is of the considered view that the rejection of the Petitioner's claim is based on mere conjectures and not on any cogent material. The positive opinion of the sentencing Court and recommendation of the jail authorities have not been assigned due weightage. The impugned orders, therefore, cannot be sustained in the eyes of law.
- 11 Considering his long period of incarceration, satisfactory conduct, favorable opinions of the competent authorities and absence of any statutory embargo, this Court holds that the petitioner is entitled to the benefit of premature release. The action of the respondent authorities in denying such benefit on an erroneous interpretation of the Rule is arbitrary and violative of Article 14 of the Constitution of India, as

explained in *E.P. Royappa v. State of Tamil Nadu, reported in (1974) 4 SCC 3*.

12 In view of the foregoing discussions, the petition is **allowed**. The impugned order dated 12.12.2025 passed by the Under Secretary, Department of Jail, is hereby quashed and set aside. The Respondents are directed to grant the benefit of remission to the Petitioner and release him forthwith, if not required in any other case, subject to compliance with usual terms and conditions as may be imposed under the Chhattisgarh Jail Rules, 1968. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

inder