

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 239 of 2015

1. Mangal Singh S/o Phoolsingh Gond, Aged About 45 Years Life Convict, Raipur Central Jail, Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Chief Secretary, Government Of Chhattisgarh, Mantralaya, Raipur, (Chhattisgarh)
2. Secretary, Department Of Home, Government Of Chhattisgarh, Mantralaya, Raipur, (Chhattisgarh)
3. Director General (Prisons), Jail Headquarters, Raipur, (Chhattisgarh)
4. Jail Superintendent, Raipur Central Jail, Raipur, (Chhattisgarh)

---- Respondent

And

WPCR No. 240 Of 2015

1. Lakshman S/o Late Shobha Yadav, Aged About 62 Years Life Convict, Raipur Central Jail, Raipur, (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Chief Secretary, Government Of Chhattisgarh, Mantralaya, Raipur, (Chhattisgarh)
2. Secretary, Department Of Home, Government Of Chhattisgarh, Mantralaya, Raipur, (Chhattisgarh)
3. Director General (Prisons), Jail Headquarters, Raipur, (Chhattisgarh)
4. Jail Superintendent, Raipur Central Jail, Raipur, (Chhattisgarh)

---- Respondent

For Petitioners	Shri Kishore Narayan, Advocate
For Respondent/State	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

26/11/2015

1. Petitioners are life convict having been convicted by the Court of Additional Sessions Judge, Bemetara, on 30-10-1990 in ST No.144 of 1991. The said judgment has been affirmed by the High Court in Cr.A.No.2638/1998 and other connected appeal and thereafter by the Supreme Court in SLP (Cr.) No.1916/2007.
2. Petitioners have prayed for a direction to the respondents to grant them leave under the provisions of Rules 358 & 359 of the Chhattisgarh Prison Rules, 1968 (for short 'the Rules, 1968').
3. Documents annexed to the writ petitions would not indicate that the petitioners have ever moved any application under the said provision before the competent authority although in WPCR No.240 of 2015 a representation appears to have been made.
4. Since no application has been made in prescribed mode before the competent authority quoting the relevant provisions of the Rules, 1968 there was no occasion for the competent authority to apply its mind and pass necessary orders.

5. In view of the above, both the writ petitions are disposed of with an observation that if the petitioners move appropriate applications under the Rules, 1968 before the competent authority, the said authority shall consider and decide the same, in accordance with law and on its own merits, as early as possible preferably within a period of three months from the date of submission of applications by the petitioners.
6. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the application, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-

Judge

Prashant Kumar Mishra

Gowri