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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (HC) No. 9 of 2017**

Ashok Nishad, S/o Shiva Nishad, aged about 20 years, (Presently aged about 26 years) R/o Satbahaniya Mandir, PS Saraswati Nagar, Raipur, Tahsil and District Raipur, Chhattisgarh, presently Central Jail, Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary of Home and Jail Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
2. Director General of Jail, Jail and Sudharatamak Sewanye, Head Office, Chhattisgarh, Raipur, Chhattisgarh.
3. Superintendent Central Jail, Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Rajesh Kumar Jain, Advocate.
For Respondents/State	: Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri P Sam Koshy, J.

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****18/04/2017**

1. This writ petition is filed seeking issuance of a writ in the nature of habeas corpus on the premise that the Petitioner's continued detention is in violation of the orders issued by the Court which handed down the order of conviction and sentence and also is in violation of the appellate decision whereby the count under which the Petitioner was convicted, has been altered and sentence also modified.

2. The fact of the matter remains that the continued detention is on the basis of the sentence imposed by the criminal Court. The plea sought to be raised by the Petitioner appears to relate to an issue as to whether the concurrence ordered by the trial Court would run alongwith the alteration of sentence made by the appellate Court. This is a matter which the Petitioner can agitate in the hierarchy of the criminal Courts including the High Court under Section 482 CrPC.
3. We do not see that this could be a case of an illegal and unauthorised detention, where at the first instance, this Court would step in under Article 226 of the Constitution of India. Hence, without prejudice to the Petitioner's seeking remedies invoking Section 482 CrPC, this matter is dismissed without expressing anything on merits.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE