

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 262 of 2017**

Virendra Kumar S/o Khemai Rai, Aged About 32 Years Lodged In Raipur
Central Jail Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Home Mantralaya Naya Raipur District Raipur, Chhattisgarh.
2. Director General Prisons, The Jail & Correctional Services Chhattisgarh Jail Road Raipur District Raipur Chhattisgarh.
3. Jail Superintendent Central Jail Raipur, District Raipur, Chhattisgarh.
4. District Magistrate Rajnandgaon, District Rajnandgaon, Chhattisgarh.
5. Superintendent Of Police, Rajnandgaon District Rajnandgaon, Chhattisgarh.

---- Respondents

For the Petitioner	:	Ms. Rajni Soren, Advocate.
For the State/Respondents	:	Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****03.08.2017**

1. Heard.
2. It is submitted by learned counsel for the petitioner that petitioner is a convict undergoing life sentence and other sentences ordered against him by the trial, petitioner is in jail and seeks for the release on leave. The petitioner has got the entitlement to be released as per Rule (6) of Chhattisgarh Prisoner's Leave Rules, 1989. He filed an application before the trial Court for his release on leave which was forwarded to respondent No.4 that has not been decided on 27.05.2014 and the same has not been decided till date by respondent No.4. Hence, looking to the entitlement of the petitioner for release on leave, specific directions may be issued against the respondents.

3. Learned counsel for the State has not opposed the submissions made by the petitioner and submits that the case may be disposed of with a direction.

4. Heard counsel for the parties and perused the record.

5. Rule (6) of the Chhattisgarh Prisoner's Leave Rules, 1989 specifically provide for the convict to be released on leave, when an application made on the provisions of this rule, it is the duty of the respondents to dispose of the application in accordance with the provisions under Rule (6) of Chhattisgarh Prisoner's Leave Rules, 1989, hence, it is the case of in-action of the part of the respondents.

6. Hence, the petition is allowed and a direction is issued to respondent No.4. to consider and decide the application of the petitioner for release on leave, as prayed for, as soon as possible preferably within a period of 15 days.

7. Accordingly, this petition stands disposed of.

Sd /-

(Rajendra Chandra Singh Samant)

Judge