**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P.(Cr.) No. 423 of 2017**

1. Devkumar S/o Meghram Aged About 29 Years R/o Village Ureha Police Station Pamgarh, District Janjgir Champa Chhattisgarh.
2. Netram S/o Meghram Aged About 22 Years R/o Village Ureha Police Station Pamgarh, District Janjgir Champa Chhattisgarh.

**---- Petitioners**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Home Department (Jail) Department Mantralay Mahanadi Bhawan New Raipur Police Station Rakhi, District Raipur Chhattisgarh.
2. The Jail Superintendent, Central Jail Bilaspur District Bilaspur Chhattisgarh.
3. The District Collector, Janjgir Champa District Janjgir Champa Chhattisgarh.
4. The Superintendent Of Police, Janjgir Champa District Janjgir Champa Chhattisgarh.

**---- Respondents**

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For the Petitioners : Shri Ravi Maheshwari, Advocate.
For the Respondents/ State : Shri Neeraj Sharma, Deputy G.A.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**ORDER**

**13.10.2017**

1. Heard.

2. This petition has been brought under Article 226 of the Constitution of India praying for issuance of appropriate writ.

3. It is submitted by counsel for the petitioners that the petitioners are undergoing jail sentence of life imprisonment in connection with conviction in sessions trial which has been upheld by the High Court in the criminal appeal. They are in jail since 7.10.2015. Under the provisions of the Chhattisgarh Prisoner's Leave Rules, 1989 (for short 'Rules, 1989), an

application was moved for release of the petitioners/ prisoners on leave on 27.8.2016. The application has been kept pending by respondent No.3 and not decided till date. The petitioners are entitled for release on leave as per the provisions of Rule 6 of the Rules, 1989. Hence, this petition.

4. Learned State counsel submits that the case may be disposed off with directions.

5. Heard counsel for both the parties and perused the documents on record.

6. From the documents on record, it appears that an application for release on leave of the petitioners has been forwarded and recommended by the Jail Authorities on 27.8.2016 and a separate application has also been filed by the brother of the petitioners before respondent No.3 vide Annexure-P/4. As per the submissions, the petitioners have no information as to the decision, if any, made on their application by respondent No.3, hence, their application for leave is still pending before respondent No.3.

7. In view of the judgment of this Court in the case of **Rakesh Shende vs. State of Chhattisgarh** in **W.P.(Cr.) No.29 of 2017** and in view of the provisions under Rule 6 of the Rules, 1989, respondent No.3 vested with authority should have decided the application for release on leave within a reasonable time.

8. Considering the submissions made, without any interference into the authority of the District Collector (Respondent No.3), it is directed that if

there does not exist any valid ground to withhold the grant of leave to the petitioners, respondent No.3 shall pass the order on the petitioners' application, within a period of 15 days from the date of production of a certified copy of this order, granting them leave for the period as per their entitlement.

9. In view of the aforesaid observations, this petition is allowed at the motion stage.

Sd/-

**(Rajendra Chandra Singh Samant)**
Judge

Nimmi