

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2401 of 2016

1. Narayan Prasad Rathore S/o Het Ram Rathore, Aged About 63 Years R/o Village- Dari Baradwar, Tahsil-Champa, District Janjgir-Champa Chhattisgarh, Through- Laxman Kumar Rathore, S/o Babu Lal Rathore, Aged About- 26 Yrs, R/o Village-Seoni, Champa, P.S. And Tahsil Champa, District- Janjgir-Champa Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through-Its Secretary, Department Of Jail, Ministry, Mahanadi Bhawan, Naya Raipur, District- Raipur Chhattisgarh.
2. The Deputy Inspector General, For The Director General Of Police, Jail & Correctional Services, Chhattisgarh, Raipur (Chhattisgarh)
3. The Jail Superintendent, Central Jail Of Bilaspur, District- Bilaspur Chhattisgarh.
4. The Jail Superintendent, District Jail Of Korba, District- Korba Chhattisgarh.

---- Respondent

For Petitioner
For Respondent/State

Shri C.B. Kesharwani, Advocate
Shri U.N.S. Deo, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

16/03/2017

1. Petitioner has prayed for quashment of the order dated 17-6-2016 passed by the Deputy Inspector General (Jail), Chhattisgarh, refusing petitioner's prayer to shift his son namely; Vinod Rathore from Central Jail, Bilaspur to District Jail, Raigarh.

2. Petitioner had earlier preferred WPC No.562 of 2016 for the same relief, which was disposed of by this Court by order dated 2-3-2016 reserving liberty to the petitioner to move representation before the competent authority. The impugned order has been passed while disposing of petitioner's representation.
3. It is argued that in view of Rule 433 of the Prisons Rules, 1968, the petitioner's son is entitled to be shifted to the jail where he was incarcerated on the first occasion after his arrest in the relevant crime.
4. The authority has rejected the prayer on the ground that the convict having sentenced to undergo imprisonment for 5 years to 10 years is required to be kept in District Jail whereas total jail sentence imposed on the son of the petitioner being more than 10 years he cannot be brought back to a District Jail.
5. In view of Rule 433 of the Prisons Rules, 1968, the petitioner cannot claim that his son should be shifted to District Jail, Korba because a convict having suffering imprisonment of more than 10 years is required to be kept in the Central Jail, therefore, any mandamus directing his shifting would be contrary to the statutory provisions.
6. As an upshot, the writ petition, *sans* merit, is liable to be and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra