

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 265 of 2019

Jauhari Singh Thakur S/o Shri Haldhar Singh Thakur Aged About 53 Years R/o Village- Basani, Police Station- Kunda, District- Kabirdham, Chhattisgarh, Present Address- Amaraiyya Chowk, Chingarajpara, Police Station- Sarkanda, District- Bilaspur(CG) ---- **Petitioner**

Versus

1. Shri R. P. Mandal, The Additional Chief Secretary, State Of Chhattisgarh, Department Of Home (Jail), Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh
2. Shri Janak Kumar, The Under Secretary, State Of Chhattisgarh, Department Of Home (Jail), Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh
3. Shri Girdhari Nayak, Through The Director General, Prisons And Correctional Services Chhattisgarh, Head Quarter- Prisons And Correctional Services Chhattisgarh, Raipur, Chhattisgarh
4. Shri K.K. Gupta Through Deputy Inspector General, prisons And Correctional Services Chhattisgarh, Head Quarter- Prisons And Correctional Services, Chhattisgarh, Raipur, Chhattisgarh
5. Shri S.S. Tigga Through Jail Superintendent, Central Jail Bilaspur, Chhattisgarh**Respondents**

For Petitioner	:	Mr. Rishi Rahul Soni, Advocate
For Respondents	:	Ms. Fouzia Mirza, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03.07.2019

Heard.

1. This contempt petition has been filed by the petitioner alleging willful disobedience of order dated 13.09.2018 passed by this Court in WPCR No.28 of 2018.
2. The petitioner had filed a writ petition aggrieved by non-consideration of his application for remission of sentence. On a plea made that similarly situated convicts were granted benefit of remission including co-accused of the same case, in which, the petitioner was involved, this

Court disposed off the writ petition with the direction for consideration of petitioner's representation. Later on, the representation was rejected by the authority vide order dated 30.10.2018.

3. According to learned counsel for the petitioner, the spirit of the order obliges the respondents to grant remission in favour of the petitioner but only because the petitioner had approached the writ Court, the authority earned displeasure and without due consideration that the petitioner was similarly situated as other convicts in all respects, his application has been mechanically rejected.

4. This, it is argued, is an act of willful disobedience. Learned counsel appearing for the respondents, however, would submit that the representation of the petitioner was considered after due application of mind taking into consideration the nature and gravity of allegation and the offences, in which, he was convicted. Learned counsel for the respondents would argue that while disposing off the writ petition, this Court did not record any finding that the petitioner's case was similar to other convicts in whose favour remission order was passed and observation was made that the Court has not commented upon the merits of the case and it would be open for the authority to take decision in the matter.

5. After hearing learned counsel for the parties and after going through the order passed by this Court and rejection order, I am unable to hold that present is a case of willful disobedience. Irrespective of the merits of the petitioner's claim, it is found that while disposing off the writ petition filed by the petitioner, the contention of the petitioner were noted but on that, no finding was recorded by this Court. While disposing off the matter, this Court had clearly expressed that there is no comment on merits of the case and it would be open for the authority to take decision in the matter. Therefore, the petition for initiating contempt proceeding is closed. Proceedings are dropped. Rule is discharged. It would however leave the petitioner with liberty to challenge the order of rejection on its own merit.

Sd/-
(Manindra Mohan Shrivastava)
Judge