

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (Cr.) No. 212 of 2019**

Thira @ Babloo S/o Sanand Porte Prisoner No. 333/49, aged about 28 years, R/o Village- Rakeli, P.S. Darima District- Surguja (C.G.)

Through- Vinod Porte S/o Sanand Porte, Aged about 24 years, R/o Village- Rakeli, P.S. Darima, District- Surguja C.G.

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Home Department, Mantralaya Mahanadi Bhawan New Raipur C.G.
2. Jail Superintendent Central Jail Ambikapur District Surguja C.G.
3. Superintendent of Police, Ambikapur District- Surguja C.G.
4. Collector/ District Magistrate, Ambikapur, District Surguja, C.G.

---Respondents

For Petitioner	:	Mr. Nishi Kant Sinha, Advocate.
For Respondents/State	:	Mrs. Fouzia Mirza, Addl. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11.04.2019

1. This writ petition is directed against the order rejecting application filed by the petitioner for parole by the District Magistrate, Sarguja based on the recommendation of the Superintendent of Police.
2. This Court, while issuing notice to the respondents on 01.04.2019, directed to file reply explaining as to why order dated 18.11.2016 passed by this Court in WPCR No.29/2016 (**Rakesh Shende v. State of Chhattisgarh**) has not been complied with and also directed for personal presence of the District Magistrate and the Superintendent of Police

concerned. Reply has been filed and they are present before this Court.

2. Mrs. Fouzia Mirza, learned Additional Advocate General for the State/respondents, submits that the order rejecting parole is not in accordance with law as per the law laid-down by this Court in WPCR No. 29 of 2016 (**Rakesh Shende v. State of Chhattisgarh**) decided on 18/11/2016. She further submits that after due consideration, fresh order will be passed within fifteen days from today in accordance with law and in future, the application for parole will be considered strictly in accordance with law.

3. In view of above statement, the impugned order is set aside. Parole application filed by the petitioner is restored for hearing and for consideration in accordance with law. Fresh consideration will be made by the respondents authorities within fifteen days from the date of receipt of copy of this order for making due enquiry, if any.

4. The writ petition is allowed to the extent indicated hereinabove. Presence of Mr. Saransh Mittar, District Magistrate, Sarguja & Mr. Sadanand Kumar, Superintendent of Police, Sarguja is dispensed with.

Sd/-

(Sanjay K. Agrawal)
Judge