

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Cr) No.393 of 2019

Sugni Pal S/o Late Lakhan Pal aged 40 years, Prisoner No.132/54, R/o Village Navadih P.O. Tatapani, P.S. Ramanujganj District Balrampur Ramanujganj (CG)

----- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Home Department, Mantralaya, Mahanadi Bhawan, New Raipur (CG)
2. Collector / District Magistrate Balrampur Ramanujganj, District Balrampur Ramanujganj (CG)
3. Superintendent of Police, Balrampur Ramanujganj, District Balrampur Ramanujganj (CG)
4. Jail Superintendent, Central Jail, Ambikapur, District Surguja (CG)

----- Respondents

For Petitioner	:	Mr.Nishi Kant Sinha, Advocate
For Respondents	:	Mr.Matin Siddiqui, Dy.A.G. and Mr.Akash Pandey, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

19/12/2019

1. The petitioner's application for leave under Chhattisgarh Prisoner's Leave Rules, 1989 has been rejected by the District Magistrate, Balrampur Ramanujganj on 05.03.2019 (Annexure P/4), against which, this writ petition has been filed stating inter-alia that leave application has been declined on wholly impermissible and untenable ground.
2. Mr.Matin Siddiqui, learned Deputy Advocate General for the respondents/State, on instructions, would submit that the District Magistrate, Balrampur Ramanujganj would reconsider the case of the petitioner for grant of leave in the light of judgment of this Court in WP

(Cr) No.29 of 2016 (Rakesh Shende v. State of Chhattisgarh and others), decided on 18.11.2016 in accordance with law within 15 days from today.

3. In view of above, the impugned order dated 05.03.2019 (Annexure P/4) passed by the District Magistrate, Balrampur Ramanujganj is set aside. The liberty is reserved in favour of the District Magistrate, Balrampur Ramanujganj to consider the case of the petitioner afresh in the light of judgment passed by this Court in Rakesh Shende (supra) within 15 days from today.
4. The writ petition is allowed to the extent indicated hereinabove. NO cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-