

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(Cr.) No. 911 of 2019

- Smt. Sapna Shukla W/o Mahesh Shukla Aged About 35 Years R/o Machandur, Near Etabhattha, (Damar Factory) Village Machandur, Tahsil And District Durg Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Principal Secretary, Department Of Home, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
2. Superintendent Of Police, Durg District Durg Chhattisgarh
3. Superintendent, Central Jail, Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Tarendra Kumar Jha, Advocate.
For State/respondents	:	Ms. Akanksha Jain, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-09-2019

Heard on admission.

1. This petition has been brought under Article 226 of the Constitution of India praying for issuance of appropriate writ and directions.
2. Learned counsel for the petitioner submits that the petitioner is the daughter of the convict/prisoner- Aruna Adhikari, who was convicted in Sessions Trial No.94/2005 by the Fourth Additional Sessions Judge, Durg (C.G.) and sentenced for life imprisonment. The Criminal Appeal No.832/2006 filed before this High Court by the convict/prisoner- Aruna Adhikari was dismissed on 28.01.2013. Then the accused/prisoner preferred a Criminal Appeal No. 39/2018 before the Supreme Court of India in which order dated 09.01.2018 was passed, in which it was directed that State shall consider the case of the appellant for release on completing 14 years of incarceration. It is further submitted that the mother of the petitioner has completed 14 years in jail in January this

year and despite the representation filed by her to the State, copy of which is annexed as Annexure-P/4, the State has not taken any action, therefore, appropriate directions may be issued.

3. Learned counsel for the State opposes the application and submits that there is no specific direction of Hon'ble Supreme Court to release the mother of the petitioner after completion of 14 years and further the report has been recently filed on 19.08.2019, therefore, the petition has been filed prematurely which may be dismissed.
4. Heard learned counsel for both the parties and perused the documents.
5. The order of Hon'ble Supreme Court in Criminal Appeal No.39/2018 reads as under:-

“In the Circumstances, we do not wish to examine the merits of the appeal at this stage. Having regard to the facts that the appellant is a 63 years old lady, we deem it appropriate and convinced that the ends of justice would be met by directing the respondent-State to consider the case of the appellant for release on completing 14 years of incarceration.”

Therefore, this direction has to be complied with by the State to consider the case of the convict/prisoner on completing 14 years in jail. Therefore, on this basis only, this Court is inclined to dispose off this petition at motion stage with direction:-

(a) The respondents are directed to consider the case of the convict/prisoner- Aruna Adhikari in accordance with the order passed by the Hon'ble Supreme Court.

6. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge