

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Cr) No.1167 of 2019

Loknath Verma @ Lala S/o Kunjbihari Verma, aged about 29 years, R/o village Parsapali, Police Station Kasdol, District Baloda Bazar – Bhatapara (CG), through his father-in-law Laharam S/o Basant, aged about 57 years, R/o Village & Post Gadhidi, Tahsil Palari, District Baloda Bazar – Bhatapara (CG)

----- Petitioner

Versus

1. State of Chhattisgarh Through the Principal Secretary, Home/Jail, Department of Mahanadi Bhavan, Mantralaya, Atal Nagar, Raipur, District Raipur (CG)
2. Jail Superintendent, Central Jail, Raipur, District Raipur (CG)
3. District Magistrate, Baloda Bazar, District Baloda Bazar – Bhatapara (CG)

----- Respondents

For Petitioner	:	Mr.T.K.Jha, Advocate
For Respondents	:	Mr.Matin Siddiqui, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

13/12/2019

1. The petitioner's application for leave under Chhattisgarh Prisoner's Leave Rules, 1989 has been rejected by Additional District Magistrate, Baloda Bazar-Bhatapara on 7.1.2017 (Annexure P/1) and 12.10.2018 (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/Additional District Magistrate, Baloda Bazar-Bhatapara 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 orders dated 7.1.2017 (Annexure P/1) and 12.10.2018 (Annexure P/4) passed by the Additional District Magistrate, Baloda Bazar-Bhatapara are set aside. The liberty is reserved in favour of the District Magistrate/Additional District Magistrate, Baloda Bazar-Bhatapara to consider the case of the petitioner afresh 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/-