

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Cr) No. 1223 of 2019

Beerbal Jaiswal S/o Shri Hari Prasad Aged About 26 Years R/o Rishabhthirth Damaudhara Gunji, Post Barpalikala, Police Station Sakti, Sakti District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary , Home (Jail), Department, Mantralaya , Mahanadi Bhawan , Raipur Chhattisgarh.
2. The Director General Of Prisons And Correctional Services Chhattisgarh Head Quarter Prisons And Correctional Services Chhattisgarh , Raipur Chhattisgarh.,
3. The Collector Cum District Magistrate Janjgir Champa Chhattisgarh
4. The Executive Magistrate Janjgir Champa Chhattisgarh
5. The Superintendent Of Police Janjgir Champa Chhattisgarh.
6. The Jail Superintendent Central Jail Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. R.R. Soni, Advocate
For Respondents	:	Mr. Mateen Siddiqui, Deputy Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

12/12/2019

1. The petitioner's application for leave under Chhattisgarh Prisoner's Leave Rules, 1989 has been rejected by Respondent No. 4/ Executive Magistrate, Janjgir-Champa on 20.09.2019, 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. Mateen Siddiqui, learned Deputy Advocate General for the respondents/State, on instructions, would submit that the District Magistrate, Janjgir-Champa 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 20.09.2019 passed by Respondent No. 4/ Executive Magistrate, Janjgir-Champa is set aside. The liberty is reserved in favour of the District Magistrate, Janjgir-Champa 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