

HIGH COURT OF CHHATTISGARH, BILASPURWPCR No. 1227 of 2019

Mangal Singh S/o Shri Chamra Patel, Aged About 29 Years R/o Village Sonpuri, Post Pandariya, Police Station Kotwali Korba, District Korba 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, Korba Chhattisgarh
4. The Executive Magistrate Korba Chhattisgarh
5. The Superintendent Of Police Korba Chhattisgarh
6. The Station House Officer, Police Station Kotwali Korba, District Korba Chhattisgarh
7. The Jail Superintendent, Central Jail Bilaspur Chhattisgarh

---- Respondents

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

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

16/12/2019

1. The petitioner's application for leave under Chhattisgarh Prisoner's Leave Rules, 1989 has been rejected by Respondent No. 4/ Executive Magistrate, Korba on 25.09.2019, 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 Collector-cum-District Magistrate, Korba 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 25.09.2019 passed by Respondent No. 4/ Executive Magistrate, Korba is set aside. The liberty is reserved in favour of the District Magistrate, Korba 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