

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Cr) No.1235 of 2019

Sukhlal @ Motu S/o Shri Tejram Aghariya, Aged About 69 years, Address: Village & Post-Jurda, Police Station Chakradhar Nagar, Tahsil & District-Raigarh (CG)

----- Petitioner

Versus

1. State of Chhattisgarh Through:- the Secretary, Home (Jail) Department, Mantralaya, Mahanadi Bhawan, Raipur (CG)
2. The Director General of prisons and Correctional Services Chhattisgarh, Head Quarter – Prisons and Correctional Services Chhattisgarh, Raipur (CG)
3. The Collector-cum-District Magistrate, Raigarh (CG)
4. The Superintendent of Police Raigarh (CG)
5. The Jail Superintendent, Central Jail Bilaspur (CG)

----- Respondents

For Petitioner	:	Mr.Rishi Rahul Soni, Advocate
For Respondents	:	Mr.Matin Siddiqui, Dy.A.G.

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, Raigarh on 04.10.2019 (Annexure P/1), 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, Raigarh 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 04.10.2019 (Annexure P/1) passed by the District Magistrate, Raigarh is set aside. The liberty is reserved in favour of the District Magistrate, Raigarh 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/-