

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 433 of 2020**

- Shyamlal S/o Dil Sai Gond Aged About 50 Years R/o Village Tarkeshawarpur P.S. Premnagar District Surajpur Chhattisgarh, Through Samudri Singh W/o Shyamlal Aged 45 Years, Caste Gond R/o Village Tarkeshwarpur P.S. Premnagar District Surajpur Chhattisgarh.

---- Petitioner**Versus**

- 1.State of Chhattisgarh Through The Secretary, Home Department, Mantralaya Mahanadi Bhawan New Raipur Chhattisgarh.
- 2.Collector/District Magistrate Surajpur District Surajpur Chhattisagarh.
- 3.Superintendent of Police, Surajpur District Surajpur Chhattisgarh.
- 4.Jail Superintendent Central Jail Ambikapur District Surguja Chhattisgarh.

---- Respondents

For Petitioner :- Mr. Nishi Kant Sinha, Advocate.
For State/Respondent :- Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

29/10/2020

1. Proceedings of this matter have been taken up through video conferencing.
2. By the impugned order petitioner's application for grant of leave on parole has been rejected. This Court has directed the State to file affidavit of the concerned District Magistrate.
3. When the case is taken up for hearing, Mr. Jitendra Pali, learned State counsel, on the basis of instructions of the concerned District Magistrate, submits that the concerned District Magistrate is ready and willing to consider afresh case of the petitioner in the light of the decision rendered by this Court in the matter of **Rakesh Shende vs. State of Chhattisgarh (in WPCR No.29/2016, decided on 18.11.2016).** Therefore, liberty be granted to the concerned District Magistrate to consider the case of the petitioner afresh, in accordance with law.

4.Learned counsel for the petitioner has no objection, if the case is considered afresh.

5.In the light of the submission made by the learned State counsel, impugned order is set aside and the matter is remitted to the District Magistrate, Surajpur, to consider the application of the petitioner for grant of leave on parole within 10 days from the date of receipt of the copy of this order.

6.With the aforesaid direction / observation the present writ petition stands disposed of.

(Sanjay K. Agrawal)
Judge

Ankit