

13th January,
2021.
(as)
29

W.P.A.186 of 2021

(Via Video Conference)

Purnima Das
-vs-
The State of West Bengal & Ors.

Mr. Arindam Jana,
Mr. Sabyasachi Mukherjee,
Mr. Bibek Dey,
Mr. Sumanta Das.
...for the Petitioner.

Mr. Sabir Ahmed.
...for the State Respondents.

The petitioner is behind bars for more than 20 years, having been convicted, inter alia, under Section 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that a previous application of the petitioner for premature release was rejected by the authorities. However, in view of the pandemic situation and for other reasons, as indicated in the representation of the petitioner, the petitioner gave another representation on December 16, 2020 for his premature release under Section 61 of the West Bengal Correctional Service Act, 1992.

Learned counsel appearing for the respondent authorities submits at the outset that such power to grant premature release to the petitioner vests in the

Governor of the State and the respondent authorities do not have such authority.

Be that as it may, since the petitioner has already represented to the respondents in that regard, it is for the respondents to consider the maintainability and merits of such representation and to dispose of the same in accordance with law.

Accordingly, WPA 186 of 2021 is disposed of, by directing the respondents to consider the representation of the petitioner pertaining to the petitioner's premature release, purportedly under Section 61 of the West Bengal Correctional Service Act, 1992, at the earliest, positively within four weeks from date, and to intimate their decision thereon to the petitioner at the earliest thereafter.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)