

26.08.2021.
Item No. 128.
Court No.13
ap

**W.P.A. No. 8261 of 2021
(Through Video Conference)**

**Afzal Khan @ Fazo
Versus
The State of West Bengal & Ors.**

Mr. Pradeep Kumar Mittal,
Mr. Dyutiman Banerjee,
Mr. Partha Pratim Roy.

..For the petitioner.

Mr. Amitesh Banerjee, Id. Sr. Standing Counsel,
Mr. Rana Mukherjee,
Mr. Sabir Ahmed,
Mr. Tarak Karan.

...For the State.

Report of the Superintendent, Presidency
Correctional Home submitted in Court today by the
Counsel for the State be taken on record.

The writ petitioner has served 21 years of
sentence under Section 364A of the Indian Penal Code.
The writ petitioner is on parole. He seeks remission of
sentence under the provisions of Section 58 of the
West Bengal Correctional Services Act, 1992.

It appears from the writ petition that the
Superintendent, Presidency Correctional Home has
given a very good report about the behaviour and
conduct of the petitioner. There is absolutely no
negative comment against the petitioner.

The instructions of the Superintendent,
Presidency Correctional Home dated 25th August, 2021
produced by Mr. Banerjee assisted by Mr. Ahmed

indicates that the writ petitioner is at No. 14 in a list of persons, who are otherwise eligible for being considered for remission.

This Court sees that the order rejecting the petitioner's claim for remission dated 7th May, 2019 is completely devoid of reasons.

A report has been filed by Mr. Banerjee, learned Senior Standing Counsel of the Superintendent, Presidency Correctional Home which has indicated that there is nothing adverse against the petitioner and that his conduct during the sentence has been very good.

In that view of the matter, the Sentence Review Board of which ADG & Inspector General of Correctional Services, West Bengal, is a member shall reconsider the petitioner's case in the light of the report of the Superintendent, Presidency Correctional Home dated 16th February, 2019 and report of the Superintendent, Presidency Correctional Home dated 28th June, 2021 and pass a reasoned order within a period of one month from date.

The said order may be communicated to the writ petitioner and/or his Counsel, Mr. Pradeep Kumar Mittal, within seven days thereof.

If such decision goes in favour of the petitioner, the same may be placed before the Hon'ble Governor of the State for suitable orders.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(*Rajasekhar Mantha, J.*)