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HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 201 of 2018

Ajay Mali, S/o Late Chedi Lal Mali, Aged about 52 years, R/o Gram Kududand, Bilaspur, P.S. Civil Line, District Bilaspur (C.G.).

Through- Rahul Saini, S/o Ajay Mali, aged about 32 years, R/o Kududand Milan Chowk, P.S. Civil Line, Tehsil and District- Bilaspur (C.G.).

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Home (Jail) Mantralaya, Mahanadi Bhawan, Raipur (C.G.)
2. Jail Superintendent, Central Jail, Bilaspur, District Bilaspur (C.G.).
3. Collector/District Magistrate, Bilaspur, District Bilaspur (C.G.).
4. The Director General, Jail and Correctional Services Chhattisgarh Raipur, District Raipur (C.G.).
5. The Jail and Correctional Services Chhattisgarh, Jail Road, Raipur, District Raipur (C.G.).
6. Board Constituted under Rule 6(5) of the C.G. Prisoner's Release on Probation Rules, 1964, Through its Chairman, Department of Home, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.).
7. The Superintendent of Police, Bilaspur District Bilaspur (C.G.).

---- Respondents

For Petitioner : Mr. Sabyasanchi Bhaduri, Advocate

For State : Mr. Udhaw Sharma, Government Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

30.06.2021

1. Learned counsel for the petitioner has filed this writ petition challenging the legality and propriety of the order dated 04.12.2017 (Annexure P/1) by which the application filed by the petitioner for releasing him on Probation has been rejected by respondent No. 1 herein finding no merit.

2. The contention of the petitioner is that the petitioner was convicted for commission of offence punishable under Section 302 read with Section 34 of Indian Penal Code vide order dated 17.02.1998 passed by the learned 7th Additional Sessions Judge, Bilaspur and thereafter the appeal has been filed there-against before this Court, which has also been dismissed vide order dated 17.02.2014 affirming the order passed by learned 7th Additional Sessions Judge, Bilaspur. Against which, SLP has been filed, which has also been dismissed by the Hon'ble Supreme Court, the petitioner was sentenced for life imprisonment. Now as he already undergone for 8 years and 10 months imprisonment, therefore, on above factual matrix he prayed that his case for probation may be kindly considered.

3. The State has filed their return on 18.04.2018 in which they have also annexed the Minutes of meetings, which was held on 17.10.2017 headed by the Principle Secretary Home DIG Jail and one Non-Government official, who is the member of the committee. The minutes of meetings shows that five cases were recommended by the State Government and out of which four cases have been rejected by the Committee, only one case against one person namely Devendra Singh's Case has been considered for probation, in which he had served out 10 years of jail sentence.

4. At this stage, learned counsel for the petitioner would submit that since as per recommendation of the Committee, the petitioner is at liberty to move a fresh application after two years. Therefore, the petitioner be granted liberty to file a fresh application before the Committee and it is expected to be decided by the Committee as per the norms & rules applicable made therein.

5. It is made clear that of the earlier rejection order of probation will not come on the way for deciding the matter afresh by the Committee.

6. With the aforesaid observation the instant petition disposed of.

Sd/-

(**Narendra Kumar Vyas**)
Judge

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