

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Cr.) No. 289 of 2021**

Bhagwat Prasad Kashyap S/o Late Khikhram Kashyap, Aged About 55 Years, R/o Gram Salkhan, Police Station Shivrinarayan, Tah. Navagarh, District Janjgir Champa, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through - The Secretary, Home Department (Jail) Department, Mantralay, Mahanadi Bhawan, New Raipur, Police Station - Rakhi, District – Raipur, Chhattisgarh
2. The Jail Superintendent, Central Jail Bilaspur, District Bilaspur Chhattisgarh
3. The District Collector, Bilaspur, District Bilaspur, Chhattisgarh
4. The District Collector, District Janjgir Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Raj Kumar Gupta, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12.05.2021**

1. The present writ petition has been preferred seeking for grant of leave under the provisions of the Chhattisgarh Prisoner's Leave Rules, 1989.
2. The petitioner stands convicted for the offence under Section 302 of IPC and sentenced to undergo life imprisonment vide order dated 31.01.2010 passed by the Additional Sessions Judge, Janjgir, District Janjgir-Champa (CG) in Sessions Trial No. 183 of 2009. The petitioner is in custody since 06.07.2009 and as such he has already remained

in custody for more than 11 years by now. The petitioner prays for 15 days leave so as to conduct the marriage of his daughter which is to be held on 23.05.2021 for which other ceremonial functions would start from 19.05.2021. According to the petitioner, he is the sole male member in the family who can perform the ritual of Kanyadan.

3. Considering the entire factual matrix of the case more particularly taking note of the fact that the petitioner has already remained in custody for a period of more than 11 years by now and that his daughter is getting married on 23.05.2021, this Court is of the opinion that ends of justice would meet if 10 days leave is granted to the petitioner starting from 18th May, 2021 till 28th May, 2021.
4. Accordingly, the WPCR is allowed. The Jail Authorities are directed to immediately ensure that the petitioner, subject to furnishing his personal bond, is granted 10 days leave starting from 18th May, 2021 to 28th of May, 2021 and the petitioner is directed to positively surrender himself before the authorities on 29th of May, 2021. In the event of any default on the part of the petitioner, the respondent no.2 shall take necessary steps in accordance with law. It is further directed that the petitioner should ensure that during the said 10 days period, he shall remain present within the boundaries of his village Salkhan, PS Shivrinarayan, Tah. Navagarh & District Janjgir Champa. The petitioner should also ensure that during the said period he would not get involved in any other criminal offence.

Sd/-
P. Sam Koshy
Vacation Judge