

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 476 of 2020

- Ram Lal S/o Matukdhari Aged About 50 Years
R/o Village Khandha (Khodri) Police Station
Patna District Koriya Chhattisgarh. Through
Sushil Sahu S/o Ramu Naresh Aged 35 Years,
R/o Village Khandha (Khodri) Police Station
Patna District Koriya Chhattisgarh.

----- Petitioner

Versus

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

----- Respondents

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

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

19/02/2021

1. Heard.

2. Learned counsel for the petitioner would submit that the petitioner's application for grant of leave/parole has been rejected by the concerned District Magistrate only on the ground that the concerned Superintendent of Police has not accorded his consent for release of the present petitioner, who has been sentenced for life imprisonment for offence under Section 302 of the IPC. He would further submit that the order passed by the concerned District Magistrate is absolutely unjustified without following the principle of law laid down by this Court in the cases of **Rakesh Shende vs. State of C.G.** in **WPCR No.29/2016** decided on **18.11.2016** and **Santhram Sinha vs State of C.G.** in **WPCR No.182/2015** decided on **07.01.2016**. He would also submit that there is no such reason assigned by the concerned District Magistrate that the petitioner's release on parole would be detrimental to public safety or peace and only on the said ground petitioner's right to release on parole

cannot be rejected.

3. Learned State counsel would support the impugned order.

4. I have heard learned counsel for the parties considered their rival submissions made hereinabove and went through the records with utmost circumspection.

5. A careful perusal of the impugned order, it appears that the petitioner's application has been rejected only the ground that the concerned Superintendent of Police has not accorded his consent for releasing him, which cannot be a ground for not releasing the petitioner and also no finding has been given that the petitioner's release on parole would be detrimental to public safety or peace.

6. Accordingly, the impugned order is aside and the matter is remanded to the concerned District Magistrate for considering the petitioner's application afresh in the light of the decision rendered by this Court in

the case of Rakesh Shende (supra) and Santhram Sinha (supra) within 15 days from the date of receipt of the copy of this order.

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

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit